Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

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Carbon Monoxide Alarm Regulations Soon to be Adopted

In February of 1999, Governor Whitman signed into law an amendment to the Uniform Construction Code Act which requires the installation of carbon monoxide alarms (CO alarms) in buildings of Use Groups I-1, R-1, and R-2. The proposal will appear in the *New Jersey Register* on April 5th. The purpose of this article is to provide a summary of the proposed rules.

The only use groups required to be provided with CO alarms are I-1, R-1, and R-2, and certain attached R-3's. The alarms are required to be tested in accordance with UL 2034, which is entitled "Single and Multiple- Station Carbon Monoxide Alarms" and installed in accordance with NFPA 720, which is entitled "Installation of Household Carbon Monoxide Warning Equipment." Both of these documents allow the CO alarms to be either hard-wired or plug-in type.

There are several options for the installation of these devices.

1. If the dwelling unit or guestroom contains a fuel-burning appliance or has an attached garage, a CO alarm is required to be provided in the immediate vicinity of the sleeping rooms.
2. If the dwelling unit or guestroom is connected by duct work or ventilation shafts to a room containing a fuel burning appliance or to an attached garage, a CO alarm is required to be provided in the immediate vicinity of the sleeping rooms.
3. If the two conditions above do not require the installation of a CO alarm, but the building contains a fuel-burning appliance or has an attached garage, common area CO alarms are required to be installed in the immediate vicinity of the room containing the fuel-burning appliance and in the immediate vicinity of any ventilation shaft on the floor containing the fuel-burning appliance, and within two stories above and below. As an alternative, one CO alarm may be installed in each unit.

The installation of CO alarms will be required in new construction as well as in rehabilitation projects. These requirements will also be located in the Hotel and Multiple Dwelling Regulations and the Rooming and Boarding House Regulations which means that a retrofit of the structures covered by these rules will be required.

To provide guidance, the Department of Community Affairs will be issuing a bulletin along with the adoption that will summarize the requirements of UL 2034 and NFPA 720 for those who are not familiar with them.

Source: John N. Terry
Code Assistance Unit

UCCARS System II Users

The State Training Fee Report does not exclude the monies collected for VOID Permits. If the State Training Fee (as reported on the State Training Fee Report) is not correct, you will need to provide a copy of the voided permit with your report and note the DCA fee not collected.

Source: Larry Wolford

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Asbestos Contractor/Worker Program Now Relocated To The Department of Community Affairs

As a construction official, you know that there are thousands of manufactured products containing asbestos that have been used in building applications. Uses range from sprayed and troweled-on wall or ceiling materials, fire or heat/cold/anti-corrosive insulation and sound-deadening materials, pipe wrap, drywall patching compounds and textured paints, cement sheeting and millboard, roofing, shingles and siding materials to vinyl or sheet flooring materials and gaskets. The disturbance of asbestos-containing materials (ACM) by renovation, demolition, or abatement activities presents a potential danger to public health, especially where buildings are occupied and disturbance involves friable ACM.

Subchapter 8 of the Uniform Construction Code, which addresses asbestos abatement in schools and public buildings, has been a familiar topic to construction officials for years. However, the Asbestos Contractor/Worker Program that has been transferred to the Department of Community Affairs (DCA), Division of Codes and Standards on May 29, 1998 (from the Department of Labor, due to the Governor's Reorganization Plan) has served important and significant functions relating to all asbestos abatement work in New Jersey since June 1985.

Asbestos abatement employer licenses and individual worker and supervisor performance permits are issued by the DCA through the Asbestos Contractor/Worker Program. As a general rule, employers who apply, enclose, encapsulate, repair, or remove ACM greater than 1% asbestos and in excess of 3 square feet or 3 linear feet must possess a New Jersey asbestos abatement license. Workers and supervisors who perform asbestos abatement work while in the employ of a licensed asbestos employer must possess individual performance permits (photo identification cards). The Asbestos Contractor/Worker Program issues nontransferable employer asbestos licenses after the company is able to demonstrate through the application process that it is competent and knowledgeable to perform asbestos work safely, minimizing health risks to the public. Workers and supervisors qualify for a permit after taking a New Jersey Department of Health/Senior Services-approved asbestos training course, and after passing a written examination.

In addition to the issuance of credentials to those companies and individuals that perform asbestos work in New Jersey, the Program also conducts investigations and inspections of asbestos abatement sites. The abatement employer and its employees must have proper certification and must be performing work satisfactorily to protect human health and the environment. Credentials must be made readily available for inspection. Program inspectors visit all types of buildings (public, private, and commercial) in order to regulate abatement activities.

Inspections are rarely announced. The inspector not only examines credentials, but also scrutinizes how the abatement contractor is handling waste on and off site, determines if proper abatement procedures are being followed, and examines the engineering controls in place to protect building occupants and the environment. Serious violators of the Asbestos Control & Licensing Act (*N.J.S.A.* 34:5A-32 et seq.), which the Program enforces, are subject to criminal prosecution as a crime of the third degree, and are also subject to administrative penalties up to $25,000.00 per day per offense.

In the past, construction officials have been very helpful in alerting the Program to abatement activities by uncertified firms and individuals, in alerting the Program to renovation and demolition activities that may pose a health threat to their community, and in providing documentation to aid Program investigations. The Program under DCA encourages that continued support. If you have any questions, or are interested in additional information, please contact the Asbestos Contractor/Worker Program at (609) 633-2158 or (609) 633-2159.

Source: Brian Lauter
Asbestos Contractor/Worker Program,
Bureau of Code Services

An Overview of Seismic Requirements in New Jersey

New Jersey has adopted the BOCA National Building Code/1996 with technical amendments as the Building Subcode. Section 1610.0 of the Building Subcode provides details and directions for determination of earthquake loads. Before designing a building/structure in New Jersey, a design professional should be aware of the BOCA code requirements, especially the exemptions that apply to New Jersey. A few areas are highlighted below for the benefit of code officials as well as designers.

Buildings and structures are required to be designed and constructed to resist the ultimate strength loads and story drift effects of earthquake motions determined in accordance with Section 1610.0, or shall comply with Section 9 of ASCE 7. Additions to existing buildings and structures must be designed and constructed to resist the effect of earthquake motions determined in accordance with 1610.0. Existing buildings which need to comply with the Rehabilitation Subcode, as per *N.J.A.C.* 5:23-6, are not required to be designed and constructed to resist the effect of earthquake motions, except for changes of use involving mostly essential facilities. Accordingly, when a change of use re-

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sults in a building being reclassified into one of the occupancies indicated in N.J.A.C. 5:23-6.31(k)3, then the building shall comply with the requirements of Section 1610.0. These occupancies include fire, rescue, and police stations; Use Group I-2 for surgery or emergency treatment facilities; emergency preparedness centers; post-earthquake recovery vehicle garages; power generating stations and other utilities required as emergency backup facilities; primary communication facilities; structures containing highly toxic materials as defined by Section 307.0 of the Building Subcode, where the quantity of material exceeds the exempt amount as (per Section 307.8).

Among other things, seismic forces are calculated based on Seismic Hazard Exposure Group (Groups I, II, and III based on nature of occupancies/use group of the building — Table 1610.1.5) and Seismic Performance Category (A through E based on Av values and said exposure group — Table 1610.1.7). The following installations are exempt from seismic design requirements in New Jersey:

1) Buildings assigned to Seismic Performance Category A, D, and E.
2) Detached one- and two-family dwelling units.
3) Agricultural buildings intended only for incidental human occupancy.
4) Mechanical and electrical components and systems in Seismic Performance Category B.
5) Architectural components, mechanical and electrical components, and systems in Seismic Performance Category B or C, and Seismic Hazard Exposure Group I buildings which have a performance criteria factor of 0.5 as listed in Tables 1610.6.3 and 1610.6.4(1).
6) Elevator components and systems in buildings assigned to Seismic Performance Category B.
7) Elevator components and systems in Seismic Performance Category C, and Seismic Hazard Exposure Group I.

Seismic Hazard Exposure Groups which are not exempt for elevator components and systems are those that have substantial public hazard due to occupancy or use, and those having essential facilities which are required for post-earthquake recovery. Furthermore, footnotes under Table 1610.6.4(1) exempt some conduits, pipes, and ducts from the requirements of seismic restraints. All others which are not exempt above need to comply with the seismic requirements as prescribed in BOCA/1996.

The BOCA National Building Code/1996 does not divide New Jersey in accordance with seismic zone. Severity of seismic design is now based on the Av values. The Av values in New Jersey as per the BOCA map is always less than 0.15.

As a reminder, seismic loads and wind loads are never combined in the load calculations. That is, they are not applied at the same time. One of the two loads which causes the most stress on the member is used for design.

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

Source: Marcel Iglesias
Code Assistance Unit

Pressure-Treated Wood

"I am building a deck, do I need the pressure-treated wood?" asked a homeowner. The answer to this question is *yes*. Similar questions and concerns keep on revisiting the Department of Community Affairs. This article is intended to clarify the mandatory use of treated wood as outlined under BOCA National Building Code 1996, Section 2311, and CABO One- and Two-Family Dwelling Code 1995, Section 322.

The correct term for pressure-treated wood is preservative-treated wood. It should not be confused with fire-retardant-treated wood, which is pressure impregnated with chemicals to develop fire-resistive qualities. Among other things, the process for preservative-treated wood is treating wood with chemicals under pressure to develop and retain preservative qualities that protect against the weather, decay, or insect infestation. Chemicals absorbed in the wood repel termites and destroy decay-causing fungus. The symbol AWPA with suffix P signifies the requirement for preservatives, and AWPA with suffix C signifies the depth of penetration and the amount of chemicals retained during the treatment process. Preservative-treated wood is properly identified with these symbols and labeled by the treatment/grading agency. The code mandates the use of preservative-treated wood in the following circumstances (not an all-inclusive list):

1. Where wood joists or the bottom of a wood structural floor are located less than 18 inches, or wood girders are located less than 12 inches, to the exposed ground surface.
2. Where wood framing members, including wood sheathing resting on exterior foundation walls, are less than 8 inches from exposed earth.
3. Where sleepers and sills are resting on a concrete or masonry slab in direct contact with the earth.
4. Where the ends of wood girders entering exterior masonry or concrete walls are provided with an air space of less than 1/2 inch on top, sides, and end.
5. Where the clearance between the wood siding and earth on the exterior of the building is less than 6 inches.
6. Where posts or columns support a permanent structure and they are supported by a concrete or masonry slab or footing in direct contact with the earth (some exceptions apply).
7. Where the wood is in direct contact with the ground, or embedded in concrete which is in direct contact with the earth or exposed to the weather, and it supports permanent structures that are intended for human occupancy.
8. Where the wood structural members support floors or roofs having no moisture barrier and are exposed to the weather.

In lieu of preservative-treated wood, naturally durable wood (such as heart wood) of certain species may also be used where protection of wood members is necessary because of exposure to soil or weather. Please call the Code Assistance Unit at (609) 984-7609 with any questions.

Source: Farid Ahmad
Code Assistance Unit

Rehab Subcode Rescue Windows

Based on the number of telephone calls that I have been receiving regarding the window requirements of the Rehabilitation Subcode, it is apparent that some of you are confused. It is important to remember that the requirements in the Rehab Subcode differ from the requirements for new buildings. When a permit applicant proposes to change the size of a window opening in a bedroom or a new window opening is created in a bedroom, the Rehabilitation Subcode requires that one of the windows be operable, have a sill height of 44 inches, a width of 20 inches, a height of 24 inches and an area of 5.7 square feet. All of the minimum dimensions specified in this requirement are to be measured from head to sill and from side to side. The dimensions specified *do not* apply to the opening; therefore, the net opening is unregulated. I hope this resolves some of the issues you folks have been having.

Source: John N. Terry
Code Assistance Unit

Anchor Straps

The Bureau of Regulatory Affairs has been seeing an increasing number of problems with the incorrect installation of anchor straps. It appears that officials are not paying attention to this fundamental code issue. While it would seem that there is very little controversy with the code requirements for strapping, a comparison of CABO, BOCA, and the manufacturer's design criteria indicated that there are areas of controversy.

When plans call for conformance with the CABO One- and Two-Family Dwelling Code, the first issue is whether a CABO home can be built with anchor straps installed in lieu of an anchor bolt?

CABO specifies anchor bolts and does not reference anchor straps; however, anchor straps are a viable alternative regardless of whether CABO or BOCA is being enforced. The second issue in CABO is spacing, which is 12 inches from a corner and 6 feet on center. When using CABO, no other requirements are specified. The same home being built under BOCA can have anchor straps which are spaced up to 8 feet on center. However, BOCA requires that anchorage must be within 12 inches from the ends of each section of plate and a minimum of 2 anchors per section of plate. Since most builders are not special ordering 16-foot 2 by 4s for the sill plates (most are using 8 footers), they essentially end up with the straps being located much closer than the allowable 8 feet.

The final issue of concern is how the manufacturer's design criteria affects the above-mentioned code requirements. Not all anchor straps are created equally. For example, one manufacturer has three different models, one of which is a direct replacement of an anchor bolt spaced 6 foot on center. A second model is also a direct replacement of an anchor bolt; however, this strap must be spaced 4-1/2 feet on center. Therefore, if this model is used, and spaced consistently with the code requirements stated above and not the design criteria, the anchor strap will have been installed in a manner which violates the design capabilities of the product in question. There is an assumption by BOCA and CABO that the design limits will be consistent with the spacing requirements contained in the respective codes. If this is not the case, the product cannot be used unless one follows the manufacturer's installation requirements. Therefore, if an anchor strap has a spacing requirement of 4-1/2 feet and the code allows for a 6 or 8 foot on center spacing requirement, one must follow the manufacturer's requirement.

In conclusion, when inspecting anchor straps, make sure that the appropriate code is enforced and the anchor strap is appropriately designed for the intended installation.

Source: Louis J. Mraw
Bureau of Regulatory Affairs

Refunds

N.J.A.C. 5:23-2.27 in the Uniform Construction Code explains the process whereby a permit holder can request and obtain a refund for a project where work has ceased. This section is quite clear in that plan review fees are nonrefundable and all outstanding penalties must be collected prior to a refund being processed. What is not clear is when a permit holder is not entitled to a refund. For instance, (1) can a permit holder request a refund three years after a project is abandoned? (2) What about a developer who obtains permits for 100 homes then never builds them, or commences construction on various lots then ceases construction for more than five months? (3)...more than six months? The refund regulations cannot be applied without taking into consideration N.J.A.C. 5:23-2.16(b), Suspension of Permit.

In accordance with N.J.A.C. 5:23-2.16(b), a permit becomes invalid if the permitted work has not commenced within 12 months of issuance, or if the project is abandoned for more than six months. Therefore, if a permit becomes invalid for reasons of failure to commence work within 12 months, or if the work is abandoned or suspended for more than six months (question 3), then the permit holder is not entitled to a refund.

Now, let's answer the questions listed above utilizing both sections of the regulations. In scenario #1, the permit holder would not be entitled to a refund on permits which are three years old since the permits are invalid in accordance with N.J.A.C. 5:23-2.16(b). Also, in order to qualify for a refund, there must be a valid permit.

The next two examples above require different answers. The developer who requests a refund on the 100 permits which are still active (not older than one year) is entitled to a refund, while the developer who requests refunds on permits where work has ceased for more than six months is not entitled to a refund, since the permits have become invalid in accordance with N.J.A.C. 5:23-2.16(b).

In conclusion, a permit holder is only entitled to a refund on an active permit. A permit which has become invalid for failure to adhere to N.J.A.C. 5:23-2.16(b) no longer exists and, therefore, no refund is warranted.

Source: Louis J. Mraw
Bureau of Regulatory Affairs

Bad Habits For Control Number Users

UCCARS System II, version 5.16 users are greatly underreporting the work in their municipalities as a result of previously learned bad habits. Those municipalities that are issuing control numbers prior to the issuance of a permit and are then changing the control number to a permit number are advised to immediately stop using the shortcut to avoid displaying and checking the subcodes. This shortcut results in the data being given a permit type for new construction.

Many municipalities issue a control number while the permit is being reviewed and issue the permit when the applicant brings the money. This process can still be followed provided that the control person(s) completely reviews the permit application and each subcode, saving them as directed. This is the process as outlined in the manual.

Municipalities have learned or have been instructed to shorten the process by removing the subcode selections to avoid reviewing the subcode information. In earlier versions of UCCARS System II, this did not create a problem. In version 5.16, it spells disaster. The data is transmitted to the Department of Community Affairs as new construction without volume and is therefore erroneous. The permits are not written or added to the municipal totals. The monthly reports printed in the municipality will show an inflated number of permits for new construction. This is false reporting and results in both the DCA and the U.S. Census Bureau receiving vastly understated levels of permit activity. This data is used to define the state of the economy on state and federal levels.

Please direct any questions or comments regarding UCCARS to Team UCCARS at:

New Jersey Department of Community
Division of Codes and Standards
P.O. Box 802
101 South Broad Street
Trenton, NJ 08625-0802
Phone (609) 292-7899 or Fax (609) 633-6729

Source: Larry Wolford

UPDATE: "High-Temperature Plastic Vent Pipe"

An article in the *Construction Code Communicator*, Volume 9, Number 2, Summer 1997, "Plexvent, Ultravent, Cellvent Cracked-Vent?," brought to your attention industry problems with high-temperature plastic vent (HTPV) pipe for venting mid-efficiency gas appliances with positive pressure exhausts. This type of equipment is "category three" in NFPA 54. The article mentioned that the HTPV pipes could crack or separate at the joints.

The U.S. Consumer Product Safety Commission has issued a release, dated February 24, 1998, entitled "CPSC, Manufacturers Announce Recall Program to Replace Vent Pipes on Home Heating Systems."

"WASHINGTON, D.C. — In a landmark action, virtually the entire furnace and boiler industry together with the manufacturers of high-temperature plastic vent (HTPV) pipes have joined with the U.S. Consumer Product Safety Commission (CPSC) to announce a recall program. This program will replace, free of charge, an estimated 250,000 HTPV pipe systems attached to gas or propane furnaces or boilers in consumers' homes. The HTPV pipes could crack or separate at the joints and leak carbon monoxide (CO), presenting a deadly threat to consumers."

According to the release: "Vent pipes subject to the recall program can be identified as follows: The vent pipes are plastic; the vent pipes are colored gray or black; and the vent pipes have names 'Plexvent,' 'Plexvent II,' or 'Ultravent' stamped on the vent pipes or printed on stickers placed on pieces used to connect the vent pipes together. Other plastic vent pipes, such as white PVC or CPVC, are not involved in the program."

The release continues to say that, after checking the vent pipes, consumers should call the special toll-free number,(800)758-3688, (available seven days a week), to verify whether their HTPV pipe systems are subject to this recall program.

The program came about as a result of mediation among 27 participants, manufacturers of HTPV pipes and manufacturers of natural gas or propane-fired boilers and mid-efficiency furnaces.

It is very important that all consumers have their fuel-burning appliances inspected each year to check for cracks or separations in the vents that could allow CO to leak into the home. In addition, CPSC recommends that every home should have at least one CO detector installed.

Code officials should confirm (through manufacturer's instructions or other releases)to see what materials are approved for use in venting. The owner/reinstaller should provide documentation that the materials are approved.

The CPSC can be reached at (301)504-0580, ext.1166, if you have any questions.

Source: Thomas C. Pitcherello
Code Assistance Unit

DCA Seeks Qualified Design Professionals

Due to recent rule adoptions which become operative on March 1, 1999, the New Jersey Department of Community Affairs is seeking interested and qualified licensed architects and licensed professional engineers to serve as arbitrators. This mediation concerns disputes with claims filed by homeowners whose homes were inspected through the New Home Warranty Program regarding Major Structural Defects, as defined by *N.J.A.C.* 5:25-1.3 and 3.7.

The Department of Community Affairs requests that licensed design professionals submit their resume and fee schedule to the following:

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS
ATTENTION: BARTHOLOMEW A. SOWUL, AIA
P O BOX 805
TRENTON, NEW JERSEY 08625-0805

Source: Bartholomew A. Sowul, AIA

The TCO Issue

Over the years, I think the biggest complaint that design professionals and building owners have with regard to inconsistent enforcement is the issuance or in some municipalities the lack of issuance, of a Temporary Certificate of Occupancy (TCO). The Uniform Construction Code (UCC) is clear as to when a TCO is warranted. When the permit holder requests it and the structure (or portions of the structure) may be occupied safely without endangering life or public welfare, the construction official *may* issue a TCO. The problem with this code language is the word "*may*." Does the term "*may*" in this case mean the issuance of a TCO is at the whim of the construction official? I think not. If it can be determined that the structure can be safely occupied, the construction official has an obligation to issue a TCO at the permit holder's request. The intent of the UCC is to base the denial of a TCO on code issues, not on personal preference.

I know there will be arguments. Who is going to keep track of the buildings that have a TCO? How will the conditions of a TCO be enforced? What should be done if the permit applicant does not follow up to complete a project? These issues will exist whether or not a TCO is issued! How are all of the requirements of the UCC enforced? This issue is no different. There are rules in place to deal with this and every other issue in the UCC. The comment "We don't issue TCOs in this town" flies in the face of the term "*Uniform*" in the Uniform Construction Code.

I can be reached at (609) 984-7672 to answer any questions regarding the issuance of a TCO.

Source: Louis Mraw
Bureau of Regulatory Affairs

When Is A Rehab *NOT* A Rehab?

There have been several instances when design professionals have contacted me and attempted to convince me that the Rehabilitation Subcode should be able to be applied to a demolished building. Needless to say, they were not successful; and in an attempt to relieve some of the arguing on your end and a few telephone calls on my end, here are my thoughts on demolished buildings and the Rehabilitation Subcode.

The Rehabilitation Subcode is comprised of categories of work. When a building has been demolished and is being rebuilt, it does not fit into repair, renovation, or alterative categories. The reconstruction category is comprised of work from the other categories, so re-building on an existing foundation does not fit that category either. [The Rehabilitation Subcode is not intended to be applied to a building that is being completely removed.] The foundation system may be reused, provided there are no additional loads being imposed. However, new construction must comply with the requirements for new buildings. For a building that is partially removed, the rehabilitation must comply with the Rehabilitation Subcode. There is no specific percentage in the Rehabilitation Subcode as to when rebuilding a damaged or partially demolished construction building should be considered new. However, should it be obvious that the design professional or building owner is allowing a *de minimis* amount of the existing building in order to remain to circumvent the new building code, the local authority having jurisdiction has the right to require that the building be designed as though it were new.

Source: John N. Terry
Code Assistance Unit

NEW JERSEY MODEL CODE ADOPTIONS

Building Subcode (BOCA)	Electrical Subcode (NEC)	National Energy Conservation (BOCA)	Fire Subcode (BOCA/ NFPA)	Mechanical Subcode (BOCA)	Plumbing Subcode (NSPC)	1 & 2 Family (CABO)	Barrier Free CABO/ANSI A117.1	Rehab Sub 6	Effective Date
1975	1975		1975		1975				01-01-77
1976/S			1976/S						12-01-77
1978	1978		1978		1978				10-01-78
1981	1981		1981		1980				05-07-81
1983/AS			1983/AS		1981/82/S				02-22-83*
1984	1984		1984	1984	1983				08-06-84
1985/S			1985/S	1985/S					04-01-85
						1983			07-01-85
					1984/85/S				02-03-86
1986/AS			1986/AS	1986/AS					09-22-86
1987	1987		1987	1987					04-01-87
					1987	1986			09-21-87
1988/S			1988/S	1988/S					06-20-88
						1987/88/A			08-15-88
		1987							09-06-88
					1988/S				02-06-89
1989/AS			1989/AS	1989/AS	1989/S				11-01-89
						1989			05-21-90
1990	1990	1990	1990	1990	1990				07-01-90
1991/S			1991/S	1991/S					03-04-91
					1991/S	1990/91/AA			05-20-91
1993	1993	1993	1993	1993	1993	1992			05-01-93
							1992		07-01-95
								1998	01-05-98
1996	1996	1993	1996	1993	1996	1995			07-06-98

S = Supplement AS = Accumulative Supplement * = Operational Date A = Amendments

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Drip Pans and Water Heaters

There have been many questions as to the requirement for drip pans under "replacement" storage-type water heaters.

In the 1996 National Standard Plumbing Code, Section 10.15.9.a, "Where required," with exceptions, "drip pans *shall* be installed under storage-type water heaters to prevent tank leakage from causing property damage."

Replacement water heaters would be regulated by the UCC Rehabilitation Subcode under *N.J.A.C.* 5:23-6.5(c) "*Renovation.*" The work shall not cause any diminution of existing structural strength, system capacity, or mechanical ventilation below that which exists at the time of application for a permit, or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower.

Since there are no requirements in the Rehabilitation Subcode for drip pans under replacement storage-type water heaters, drip pans would not be required to be installed. Only if a pan was installed under the original heater will a pan still be required.

Source: Thomas C. Pitcherello
Code Assistance Unit

Buildings Built In Vo-Tech Schools

The intent of this article is to describe the policy/procedures for construction, acceptance, assembly, and installation of buildings built in a New Jersey Vo-Tech School.

A building built in a New Jersey Vo-Tech School is permitted to be sited in any municipality as long as it meets the following requirements:

1. The code enforcement agency of the municipality in which the Vo-Tech School is located shall be responsible for review/approval of building plans in accordance with N.J.A.C. 5:23-2.15(e)3 and shall also be responsible for the required inspections of the building in accordance with N.J.A.C. 5:23-2.18. A Certificate of Approval shall be issued by the construction official certifying that the building as built conforms to the New Jersey Uniform Construction Code requirements.

2. The local code enforcement agency of the municipality where the building is to be located shall accept the Certificate of Approval by the construction official as indicated above and issue a construction permit for the assembly/installation of the building.

a) The code enforcement agency is responsible for all the site work (including but not limited to the foundation and utility connections) associated with the assembly/installation of the building.

b) The municipal fee for site construction associated with the assembly/installation of such building shall be in accordance with N.J.A.C. 5:23-4.18(c)1.i which stipulates that such fees shall be based on estimated cost of work space (all disciplines) and the fee shall be computed as a unit rate per $1000 of estimated cost.

The Spring 1997 Construction Code Communicator article entitled "Questions About Industrialized/ Modular Buildings" should be referred to for additional related information regarding this subject.

In case of any questions, please contact me at (609) 984-7974.

Source: Paul Sachdeva
Industrialized Buildings Unit
Bureau of Code Services

Summary Sheet Reminder!!

Several subscribers to the Uniform Construction Code have wondered why they do not receive a Summary Sheet with each transmittal.

Please note, the Department of Community Affairs provides a summary sheet only for changes it initiates. If the publisher has changed something, such as case law or administrative notes, there will not be a summary sheet.

Source: John N. Terry
Code Assistance Unit

THE STATE UNIVERSITY OF NEW JERSEY
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Construction Code Communicator

NEW JERSEY UNIFORM CONSTRUCTION CODE

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 11 Number 2

Summer 1999

Building Safety Conference of New Jersey

From the review of the opinion polls, the 18th Annual Building Safety Conference of New Jersey was a great success. This year, there was an increase in attendance of inspectors and technical assistants. Each had the opportunity to select a training event. There were 23 seminars and 43 cracker-barrel topics. A special highlight of the conference was the networking that took place throughout all the sessions and especially at the annual luncheon for the award receipients.

The awards this year went to:

William J. Lynn, Borough of Paramus, Fire Protection Inspector

Thomas McGarity (deceased), Plumbing Inspector
The posthumous award was presented to Mrs. McGarity.

Ronald Estepp, Hillsborough Township, Building Inspector

Joseph DelGrosso,Township of East Hanover, City of Linden, Borough of Maywood, Township of Clark, Elevator Inspector

Lucy Siegman, Evesham Township, Technical Assistant

Lawrence Kosden, City of Atlantic City, Electrical Inspector

The awards reception was attended by over 700 inspectors, technical assistants, invited guests, instructors, and staff of the Department of Community Affairs. The awards were presented by William M. Connolly, AIA, Director of the Division of Codes and Standards, and by the association presidents.

There are six associations. They are: New Jersey State Fire Prevention and Protection Association, New Jersey State Plumbing Inspectors Association, Building Officials Association of New Jersey, Municipal Electrical Inspectors Association of New Jersey, Municipal Elevator Safety Inspection Association of New Jersey, and New Jersey Association of Technical Assistants. These associations play a very large role in making each conference a success. Representatives of these associations helped coordinate the fourth annual golf outing, which grew in numbers of participants again this year. The associations also financially support the awards luncheon given in honor of the award recipients.

General comments received by the Bureau of Code Services were that the conference was well planned and well organized, and that the educational programs met every expectation. The hotel accommodations were deemed excellent in all areas: food preparation, service, rooms, and meetings spaces. Mr. Robert P. Lawrence, Jr., Holmdel, was the lucky person selected to attend the Building Safety Conference free of charge next year.

I encourage each of you to join us next year at Bally's Park Place from May 17 - 19, 2000. Mark your calendars now.

Source: Susan McLaughlin
Education Unit
Bureau of Code Services

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Insulated Foundations

Insulated foundations have been used in Sweden, Norway and Finland since the mid-1950's with great success. They have also been used in Canada and Northern Europe. Insulated shallow foundations are a practical alternative construction method that save time and money since there is no need to excavate down to the frost line to place the foundation. The way insulated footings perform is that the insulation around the foundation perimeter conserves and redirects heat loss through the slab toward the soil below the foundation. The heat from the underlying ground also helps to raise the frost depth around the building. It is important to note that the frost line rises near the foundation. This is the reason that a shallow insulated foundation can be used.

Insulated footings can be used for heated buildings with slab on grade foundations as per CABO One- and Two-Family Dwelling Code/1995, Section 403.3. The CABO code limits the use of insulated foundation to a thickened slab type, as indicated in Figure 403.3a. The BOCA National Building Code/1996, Section 1806.1 allows foundations protected from frost. However, it is left up to the design professional to provide necessary data to the building official to justify its use.

CABO Section 403.3 indicates that in heated buildings, slab on grade foundations are not required to extend below the frost line when the foundation is protected from frost by insulation in accordance with Figure 403.3a and Table 403.3. Figure 403.3a gives the air-freezing index, which is defined as the cumulative degree days below 32 degrees Fahrenheit. The air-freezing index is used as a measure of the combined magnitude and duration of air temperature below freezing. The map on Figure 403.3b, prepared by the National Oceanographic and Atmospheric Administration (NOAA), depicts the highest number of freezing degree days expected to occur in 100 years. In New Jersey, as per Figure 403.3a, the air-freezing index is below 1500. The left column of Table 403.3 indicates the air-freezing index and the right column gives the required R- value for the vertical insulation and horizontal insulation along the walls and at the corners. For an air-freezing value of 1500 or less, an R-value of 4.5 is required for the vertical insulation with no insulation in the horizontal direction. Note 3 of Table 403.3 directs that, to determine the thickness of the insulating material, you obtain the R-value from the table, and then divide it by the value provided by the particular type of insulating material that you wish to use. This provides the thickness of the material that is required.

> Example: Choose Type IV extruded polystyrene - 4.5R per inch. From Table 403.3, the R value required in New Jersey is 4.5; 4.5/4.5 is equal to 1 inch thick. Therefore, a 1-inch-thick Type IV extruded polystyrene insulation would be required. The vertical insulation must be 1-inch-thick extruded polystyrene insulation.

The insulating material must be for long-term exposure to moist below-ground conditions in freezing climates. Material used below grade for the purpose of insulating foundations against frost shall be labeled as complying with ASTM C578. The foundation and foundation insulation shall extend a minimum of 12 inches below grade and a maximum of 12 inches above grade. The insulation shall have a rigid, opaque, and weather resistant protective coverage to prevent the degradation of thermal performance. The protective coverage shall cover the exposed insulation and extend to a minimum of 6 inches below grade. Flashing shall be provided in accordance with Section 703.7.3. A 4-inch-thick granular base is required below the insulated foundations. The granular base and insulating material are required to form an envelope around the building foundation.

No matter where the footing is placed with regard to the frost line, the foundation has to be sized to carry all the loads, and also meet the soil and settlement criteria. The building must comply with Energy Subcode. Perimeter insulations can be included as part of the building envelope.

If you have any questions, please contact me at (609) 984 - 7609.

Source: Marcel Iglesias
Code Assistance Unit

Accessible Means of Egress

Recently, the Code Assistance Unit has had an influx of calls regarding Section 1007.0 of the 1996 BOCA National Building Code, accessible means of egress.

I am sure you have been enforcing these requirements for new buildings since the adoption in New Jersey of the 1993 BOCA National Building Code on May 1, 1996. However, here is an interesting twist. An issue has recently surfaced regarding buildings that are not provided with (and are not required to have) an elevator to provide a vertical accessible route to the second floor. Subsection 1007.1 of BOCA states that *spaces required to be accessible* must be provided with at least one accessible means of egress. The question is: Is a second floor of a building that is not provided with (and not required to have) an elevator required to have an accessible means of egress? The answer is no.

The purpose of an accessible means of egress is to provide a protected waiting space for a person with a disability in the case of an emergency. If the building is not provided with an elevator, the upper levels of the building are not required to be provided with the accessible means of egress. Individuals who occupy those floors have done so by using the stairs and they may do so in an emergency as well.

If you have any questions, I can be reached at (609) 984-7609.

Source: John N. Terry
Code Assistance Unit

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Center for Government Services at Rutgers, The State University. Editor: Emily Templeton. Layout/Production: Chris Lit. Address changes and subscription requests may be directed to the **DCA Publications Unit, P.O. Box 802, Trenton, NJ 08625-0802**. Comments and suggestions should be sent to the **Code Development Unit, P.O. Box 802, Trenton, NJ 08625-0802.**

New Jersey Code Adoptions
Elevator Safety Subcode

The following chart gives the adoption dates and the edition of the codes and standards used for the Elevator Safety Subcode.

Edition Date Building Subcode	Effective Date Model Codes	Article Number BOCA-Elevator Dumbwaiter, Conveyor Equip	ANSI A17.1 Safety Standard-Elevators and Escalators	ANSI A90.1 Safety Standard-Belt Manlifts
1975	01/01/77	16	A17.1-1971; A17.1a-1972; A17.1b-1973	A90.1-1969
1976/S	12/01/77	16	A17.1-1971; A17.1a-1972; A17.1b-1973; A17.1c-1974; A17.1d,e,f-1975	A90.1-1969 A90.1a-1972
1978	10/01/78	16	A17.1-1971; A17.1a-1972; A17.1b-1973; A17.1c-1974; A17.1d,e,f-1975	A90.1-1969; A90.1a-1972
1981	05/07/81	21	A17.1-1978	A90.1-1976
1983/AS	02/22/83*	21	A17.1-1981	A90.1-1976
1984	08/06/84	21	A17.1-1981; A17.1a-1982	A90.1-1976
1985/S	04/01/85	21	A17.1-1984	A90.1-1976
1986/AS	09/22/86	21	A17.1-1984	A90.1-1976
1987	04/01/87	26	A17.1-1984 & 1985 Supplement	A90.1-1985
1988/S	06/20/88	26	A17.1-1984 & 1985 Supplement	A90.1-1985
1989/AS	11/01/89	26	A17.1-1987	A90.1-1985
1990	07/01/90	26	A17.1-1987	A90.1-1985
1991/S	03/04/91	26	A17.1-1987	
1993	05/01/93	Chapter 30	A17.1-1990	A90.1-1985
1996	07/06/98	Chapter 30	A17.1-1993 & 1994, 1995 Supplements	A90.1-92

Note: The grace period is covered at *N.J.A.C* . 5:23-1.6(a).

1) Consult construction files to determine under which code the permit was taken out;

2) If code information is not available, apply the previous code.

For example, when performing cyclical inspections, if the permit—or installation—date precedes or is within the grace period, apply the code edition immediately preceding the adoption of the new subcode. Example: A permit was issued on May 15, 1987. If the construction file does not have the information about the edition of the standard used , then ANSI A17.1-84 is enforced. If the permit was issued on November 16, 1987, the ANSI A17.1-1984 with the 1985 supplement apply.

S = Supplement
AS = Accumulative Supplement
A = Amendments
* = Operative date

Source: Paulina Caploon
Elevator Safety Unit

Municipal Enforcing Agency Budget Review

The Bureau of Regulatory Affairs, through its municipal assistance unit, is currently reviewing the operations of those municipal enforcing agencies whose revenues have exceeded expenditures by more than 20 percent over the last three years. Municipalities whose three-year surplus exceeds $100,000 are also being reviewed. These municipalities are not in conformance with N.J.A.C. 5:23-4.17(c), which calls for the fees to be calculated to cover the costs of enforcing the regulations and requires that enforcing agency revenues be utilized solely for the benefit of the enforcing agency.

If you, as a working construction official, receive notice that the Bureau has determined that your municipality falls into the above categories, you should not be thrown into a panic. The Bureau will be giving municipalities an opportunity to explain why their budgets are not in conformance with the regulations. After this input is reviewed, Bureau representatives will be meeting with the administrator and the governing body and will be conducting a staffing analysis of the enforcing agency. While the construction official will be consulted during the review, he or she should not feel "under the gun." The Department views the municipality as being primarily responsible for conforming to the regulations. The program should be regarded as an opportunity for the enforcing agency to acquire additional staff, if needed, and to adjust its fee schedule, if necessary, to bring its budget into balance. If you have any questions concerning this program, please do not hesitate to contact the Bureau of Regulatory Affairs at 609) 984-7672.

Source: Robert Hilzer
Bureau of Regulatory Affairs

Honeywell Fluid Power Actuator Recall

Honeywell has notified its customers of the recall of V4055, V4062, and V9055 Fluid Power Actuators (FPA) with manufacturing date codes of 9744 through 9841. These FPA may have a defect which can cause malfunction in boiler burner control. When electrical power is interrupted to the actuator, the hydraulic fluid dump valve may cause delayed closure of the gas valve. The possibility of the gas flow not being shut off upon command may cause accumulation of raw fuel, which creates the risk of an explosion. This is a potential safety concern.

To return the controls or obtain more information, please contact Honeywell at (612) 954-4089. Honeywell has already notified the Consumer Product Safety Commission about this safety issue.

This article is for general information of the code officials or builders who are involved with the repair/renovation of existing boilers or installation of new boilers in any construction project.

Source: Farid Ahmad
Code Assistance Unit

Bonding and Grounding Tests

It has been brought to the attention of the Department that some enforcing agencies are recommending specific testing agencies or electrical contractors to pool owners for conducting the bonding and grounding tests for the pools, spas, or hot tubs. Additionally, some electrical inspectors are not allowing licensed electrical contractors to perform such tests.

The Department has already issued Bulletin 99-1 on this subject. This Bulletin makes it clear that an electrical contractor may perform these tests and issue a certificate. Recommending a specific contractor or testing agency may be, or may appear to be, a conflict of interest. Code officials are advised not to engage in the practice of endorsing any specific testing agency or electrical contractor.

In addition, **code officials are advised not to set any specific value** for the parameters that are measured to certify the continuity and integrity of the bonding and grounding system. It is the responsibility of the testing company to ensure compliance with nationally recognized standards or accepted engineering practice when issuing the required certificate. These companies have the specialized knowledge required to ensure compliance, as explained in Bulletin 99-1.

Should you have any questions on this subject, please contact me at (609) 984-7609.

Source: Ashok Mehta
Code Assistance Unit

Tracer Wire Plumbing

On page 8 of the Winter 1998 *Construction Code Communicator* (Volume 10, No.4), there was an article entitled "Summary of the 1998 National Standard Plumbing Code (NSPC) Change Hearings" which listed some of the changes approved by the NSPC code change committee at its August, 1998 code change hearing.

One change was to require that a tracer wire be installed adjacent to non-metallic water service piping. This item has generated many telephone calls indicating that this was being enforced by many plumbing inspectors. **This change and the other changes that were approved by the NSPC Committee last August have <u>not</u> been adopted by New Jersey.**

New Jersey does not currently adopt the supplements to model codes. These items will be in the next full edition of the NSPC, which will be considered for adoption at the next code adoption cycle. PEX tubing is still permitted to be approved under N.J.A.C. 5:23-3.7, as indicated in the article.

If you have any questions, please contact me at (609) 984-7609.

Source: Thomas C. Pitcherello
Code Assistance Unit

UL Listings and Commercial Garage Equipment

Vehicle repair and inspection garages/stations in the State are preparing for Enhanced Emissions Testing. In all cases, this requires the installation of dynamometers. Several models require recessing the dynamometer below the floor elevation, thus making the vehicle drive on surface flush with the floor. The National Electrical Code (NEC), Article 511-3 states that from the floor to an area extending up to 18 inches is a Class 1, Division 1 hazardous location, or a Class 1, Division 2 area when ventilation is provided as specified in the code. This area includes pits and depressions in the floor.

Some garage equipment has an Underwriters Laboratories, Inc. (UL) label marked E22254. Information concerning Garage Equipment is covered in the 1988 UL white book, (General Information for Electrical Equipment Directory, page 140). Electrical equipment covered under this listing incorporates parts that tend to produce arcs or sparks, and should be located 18 inches or more above the floor when installed in garages. Under no circumstances should such parts or equipment be installed in the hazardous area.

Many inspectors simply look for the UL label for acceptance. However, the UL listing requirements of E22254 clearly state that the equipment must be installed 18 inches above the finished floor or is to be labeled, "Warning, Risk of Explosion." Nevertheless, the NEC explicitly states that in order to be placed in hazardous areas, equipment must be suitable for those locations.

A manufacturer has informed this office that over 400 dynamometers have been installed throughout New Jersey and 40 have been approved and installed in pits.

If you have inadvertently accepted the UL labels as complying with the NEC, you need to reassess the installation and take appropriate action.

Source: Bureau of Local Code Enforcement
Northern Regional Office

ALERT: Chimney Clean Sweep!

There are no provisions in our adopted codes that require that an existing chimney be checked, unless an appliance or equipment is being replaced.

It has come to the Department's attention that chimney cleaning services are soliciting homeowners by telephone and that some of these chimney cleaning services indicate that chimney cleaning is required by code; it is not. If a homeowner contracts for the cleaning service, some services then inform the homeowner that the chimney must be lined.

A permit is required for this work, so code officials should be on the lookout for work of this type that is being done without a permit. Emphasis should be placed on ensuring that the proper size liner be installed.

In addition, code officials should be prepared to respond to questions from municipal residents who may have been contacted by chimney cleaning services.

The purpose of this article is, first, to alert code officials to watch for work on chimneys that may be performed without a permit and, second, to be prepared to respond to questions about this work. In sum, a permit is not required for chimney cleaning. A permit is required for work (other than cleaning) on a chimney. Homeowners may seek information from the municipal code enforcement agency regarding information given by telephone solicitors. The local enforcing agency should be prepared to respond.

If you have any questions, please do not hesitate to contact me at (609) 984-7609.

Source: Tom Pitcherello
Code Assistance Unit

What is the ICC One- and Two-Family Dwelling Code?

The intent of this article is to clear up some of the confusion regarding the CABO One- and Two- Family Dwelling Code, the ICC One- and Two-Family Dwelling Code, and the International Residential Code.

The 1995 CABO One- and Two-Family Dwelling Code, which is adopted by New Jersey, is the last edition of this code to be published by the Council of American Building Officials (CABO). This is because the International Code Council (ICC) is now the publisher of the One- and Two- Family Dwelling Code.

Thus, the 1998 ICC One- and Two- Family Dwelling Code has replaced the CABO document. The ICC One-and-Two-Family Dwelling Code is being used for the National Certification Program for Construction Code Inspectors examination; however New Jersey has not adopted it.

The third document is the International Residential Code (the IRC). *The IRC has not yet been published as a code.* The *drafts* of this document have been out for some time. But, the first IRC publication as a code will be in 2000. It is important to remember that the IRC is different from the ICC One- and Two- Family Dwelling Code.

I hope this has cleared up some of the confusion, but if you still need some "high volume" code assistance, give me a call at (609) 984-7609. (Those of you who have spoken with me in the past understand the "high volume" thing.)

Source: John N. Terry
Code Assistance Unit

18th Annual Building Safety Conference



Building Safety Committee
(L-R) Richard Osworth, Susan McLaughlin, Richard Marshall, Anthony Falasco, Robert Mittermaier, Deborah Timko, Gary Lewis, Kevin Luckie



Technical Assistant of the Year
(L-R) Lucy Seigman; William Connolly; representing the NJ Association of Technical Assistants, Linda Aiello



Building Inspector of the Year
(L-R) Building Officials Association of NJ President Thomas Millar; William Connolly; Ronald Estepp

1999 Awards — The "Best of the Best"



Fire Protection Inspector of the Year
(L-R) NJ State Fire Prevention & Protection Association President, John Lightbody; William Connolly; William J. Lynn



Electrical Inspector of the Year
(L-R) President, Municipal Electrical Inspectors Association of NJ Robert Downey; William Connolly; Lawrence Kosden



Elevator Inspector of the Year
(L-R) Representing the Municipal Elevator Inspectors Association, James Castle; William Connolly; Joseph DelGrosso



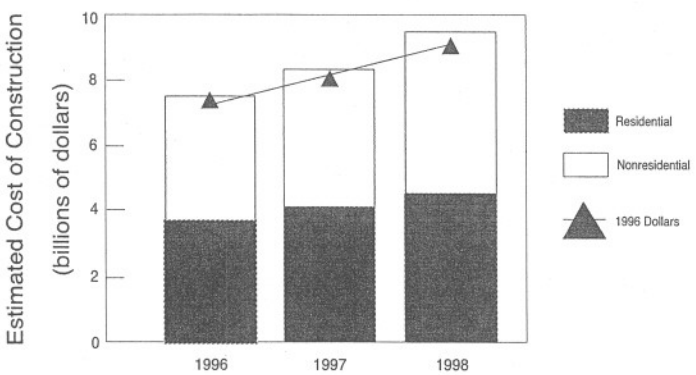
Plumbing Inspector of the Year
(L-R) Mrs. Thomas B. McGarity accepted posthumously; William Connolly; representing the NJ State Plumbing Inspectors Association, Ronald Bauer

Construction Data: 1998 Highlights

Construction indicators in 1998 exceeded last year's levels by wide margins. The estimated cost of construction bested last year's mark by more than $1 billion for a total of $9,396 million. In constant dollars, assuming a modest annual inflation rate of 1.6 percent, the estimated cost of all residential and nonresidential work authorized by building permits grew by 10.9 percent over last year. New housing increased by 18.9 percent compared to 1997, establishing a new high for the decade. The total number of housing units authorized in 1998 was 35,676. Office and retail space each was up by more than 2 million square feet compared to 1997.

Estimated Cost of Construction

Authorized by Building Permits, 1996, 1997, 1998



Construction by Region

Northern and central New Jersey each accounted for about 40 percent of the estimated cost of construction authorized by permits. Southern New Jersey made up 17.5 percent of the total, and "State Buildings" comprised the remainder.

Central New Jersey had over 46 percent of all new housing in 1998, despite strong showings by several municipalities in the northern part of the State. West New York in Hudson County led all municipalities with 1,187 authorized housing units. Edgewater in Bergen County ranked third with 865 units and, Hoboken in Hudson County ranked fifth with 685 units. Newark in Essex County and Jersey City in Hudson County ranked ninth and tenth, respectively. Two southern New Jersey localities were among the top 20 municipalities: Mount Laurel in Burlington County (642 units) and Egg Harbor Township in Atlantic County (423 units). Central New Jersey had 11 of the top 20 municipalities for new dwellings authorized in 1998.

Construction Indicators
New Jersey: 1996-1998

Indicators	1996	1997	1998	Percent Change 1997-98
Estimated cost of construction authorized by building permits (in millions)	$7,028.4	$8,346.5	$9,396.8	12.6%
Estimated construction costs in 1996 dollars (in millions)	7,028.4	8,159.3	9,035.1	10.9%
Housing units authorized by building permits	27,577	30,017	35,676	18.9%
Office space authorized by building permits (square feet)	6,229,515	10,409,171	12,703,824	22.0%
Retail space authorized by building permits (square feet)	4,880,139	5,688,955	7,921,892	39.3%

Source: N.J. Department of Community Affairs

Top Municipalities

New Jersey's cities were among the top performers in 1998. Jersey City led all municipalities with an estimated construction cost authorized by building permits of $203.4 million. New Jersey's second largest city benefited from a housing boom in the northern New Jersey/New York metropolitan area. Jersey City had 604 authorized units in 1998. Most of these were in multifamily structures. Jersey City also led all municipalities with nearly one million square feet of new office space. A single permit issued in August for a 14-story structure with an estimated construction cost of $25.3 million accounted for nearly 600,000 square feet of the new office space.

The estimated cost of all construction authorized by permits in Elizabeth, Union County was $165 million, second among all municipalities. Nearly two-thirds of this total was for a large urban mall. The initial permit for the structure was issued in March and authorized construction with an estimated cost of $106 million. The mall will have more than 800,000 square feet and will house more than 220 stores. No other municipality had more new retail space in 1998.

Newark had an estimated cost of construction of $148.1 million, third best among all municipalities. The City was among the top 20 municipalities in terms of new housing (611 authorized units) and new office space (173,635 square feet).

Construction Indicators by New Jersey Region: 1998

Region	Estimated Cost of Construction (millions of $)	Authorized Housing Units	Authorized Office Space (sq. ft.)	Authorized Retail Space (sq. ft.)
North	20,930.0	183,300	203	3,376,626
Central	21,640.0	190,000	165	2,774,841
South	23,884.0	209,900	148	1,768,393
State Buildings	262.3	53	366,245	32
NEW JERSEY	**9,396.8**	**35,676**	**12,703,824**	**7,921,892**
Percent Distribution by New Jersey Region				
North	40.0%	30.0%	36.5%	42.6%
Central	39.7%	46.4%	44.0%	35.0%
South	17.5%	23.4%	16.6%	22.3%
State Buildings	2.8%	0.1%	2.9%	0.0%
NEW JERSEY	**100.0%**	**100.0%**	**100.0%**	**100.0%**

Source: N.J. Department of Community Affairs

In Rahway, Union County the estimated construction costs totaled $139.4 million. A new office/research center for a large pharmaceutical firm accounted for most of this work. Construction on the 320,000-square-foot complex began in 1997, but several permit updates were issued in 1998 authorizing work with an estimated cost in excess of $104 million.

Bridgewater Township in Somerset County has several large commercial and residential developments underway. This suburban township authorized 422 housing units in 1998, ranking 19th among municipalities. A new minor-league baseball park broke ground in July with an estimated cost of $13.4 million. Bridgewater also issued several building permits to renovate existing schools and build a new school. The estimated construction cost for this work was nearly $8.5 million.

West Windsor in Mercer County had several large retail and office buildings under construction. The suburban township authorized 353,102 square feet of new office space, eighth among all municipalities. Several large, retail giants also began to build warehouse-style stores. West Windsor Township had more than 450,000 square feet of new retail space in 1998, second only to Elizabeth. Construction of two new middle schools began in the spring. The two structures together have an estimated cost of nearly $42 million and a combined area of more than 336,000 square feet.

Estimated Construction Cost Authorized by Building Permits
Top Ten Municipalities: 1998 (millions of dollars)

Rank	Municipality	County	Total	Residential	Nonresidential
1	Jersey City	Hudson	$203.4	$60.8	$142.6
2	Elizabeth	Union	165.0	16.7	148.3
3	Newark	Essex	148.0	45.1	102.9
4	Rahway	Union	139.4	2.9	136.5
5	Bridgewater	Somerset	139.3	54.3	85.0
6	West Windsor	Mercer	127.9	22.3	105.6
7	Jackson	Ocean	98.5	77.8	20.7
8	Hoboken	Hudson	93.3	80.7	12.6
9	Edison	Middlesex	91.6	31.1	60.5
10	South Brunswick	Middlesex	90.6	47.5	43.2
	Top Municipalities		1,297.1	439.2	857.9
	NEW JERSEY		**$9,396.8**	**$4,812.8**	**$4,583.9**

Source: N.J. Department of Community Affairs

Vibrant housing markets were responsible for most of the work in Jackson Township, Ocean County and Hoboken. Nearly 79 percent of all the work in Jackson was for residential uses. The proportion in Hoboken was even higher, 86.5 percent. Jackson had 584 authorized housing units; Hoboken had 685 authorized dwellings, most of which were in multifamily buildings.

New offices and alterations to existing office buildings accounted for much of the activity in Edison, Middlesex County. The Township had more than 787,000 square feet of new office space in 1998, second among all municipalities. Other major projects included an $8.1 million addition to an assisted-living facility and four new construction permits for large warehouses. The anticipated area of all four warehouses exceeds 1.3 million square feet and their estimated cost of construction is nearly $14.5 million.

South Brunswick in Middlesex County reported a new hotel and several office and large warehouse projects under construction. The suburban municipality also had 509 authorized housing units, 15th among all municipalities.

New House Prices

The average sales price of a new house in New Jersey increased by nearly $19,000 in 1998, according to information submitted by new home warranty companies to the Department of Community Affairs (DCA). Only certain dwellings are required to enroll in a new home warranty program. Apartments and new housing built by homeowners who act as their own general contractor are exempt.

Nearly 24,000 new homes began enrollment in a warranty program in 1998. The average sales price of these houses was $245,638, an increase of 8.3 percent over the average price last year. Bergen County had the most expensive new houses, with an average sales price of $411,148 in 1998. The lowest-priced housing was in Cumberland County, with an average sales price of $128,070.

New House Prices in New Jersey

Year of Enrollment	Number of New Houses	Median Sales Price	Average Sales Price
1996	20,930	$183,300	$217,564
1997	21,640	190,000	226,856
1998	23,884	209,900	245,638

Source: N.J. Department of Community Affairs

Source: John Lago
Division of Codes and Standards

Corrections to BOCA 1996 Tables 1812.3.2(1) and 1812.3.2(2)

It has come to my attention that there are errors in Table 1812.3.2(1) and Table 1812.3.2(2) of the BOCA National Building Code/1996. Updates to the Uniform Construction Code (U.C.C.) will be forthcoming to bring it into agreement with Table 1611.1, but in the meantime the tables should be modified as follows (additions indicated in underlined thus; deletions indicated in brackets [thus]):

Table 1812.3.2.(1)
PLAIN MASONRY AND PLAIN CONCRETE FOUNDATION WALLS[a]

Plain masonry[a]				
Wall height (feet)[f]	Depth of unbalanced backfill height (feet)[f]	Minimum nominal wall thickness (inches)[f]		
		Soil classes and lateral soil load[a] (pounds per square foot per foot of depth)[f]		
		GW, GP, SW, and SP soils 30 (inches on center)	GM, [GC] SM, SM-SC, ML, inorganic CL and ML-CL soils 45 (inches on center)	GC, SC and MH [, ML-CL] and [inorganic CL] soils 60 (inches on center)
7	4 (or less) 5 6 7	8 8 10 12	8 10 12 10 (solid[b])	8 10 10 (solid[b]) 12 (solid[b])
8	4 (or less) 5 6 7 8	8 8 10 12 10 (solid[b])	8 10 12 12 (solid[b]) 12 (solid[b])	8 12 12 (solid[b]) Note c Note c
9	4 (or less) 5 6 7 8 9	8 8 12 12 (solid[b]) 12 (solid[b]) Note c	8 10 12 12 (solid[b]) Note c Note c	8 12 12 (solid[b]) Note c Note c Note c
Plain concrete				
Wall height (feet)[f]	Depth of unbalanced backfill height (feet)[f]	Minimum nominal wall thickness (inches)[f]		
		Soil classes and lateral soil load[a] (pounds per square foot per foot of depth)[f]		
		GW, GP, SW, and SP soils 30 (inches on center)	GM, [GC,] SM, SM-SC, ML, inorganic CL and ML-CL soils 45 (inches on center)	GC, SC, MH [, ML-CL] and [inorganic CL] soils 60 (inches on center)
7	4 (or less) 5 6 7	7 2 7 2 7 2 7 2	7 2 7 2 7 2 8	7 2 7 2 8 10
8	4 (or less) 5 6 7 8	7 2 7 2 7 2 7 2 10	7 2 7 2 7 2 10 10	7 2 7 2 10 10 12
9	4 (or less) 5 6 7 8 9	7 2 7 2 7 2 7 2 10 10	7 2 7 2 7 2 10 10 12	7 2 7 2 10 10 12 Note d

Note a. For design lateral soil loads and descriptions of soil classes, see Section 1611.0. Soil classes are in accordance with the United Soil Classification System and design lateral soil load are for moist soil conditions without hydrostatic pressure.

Note b. Solid grouted hollow units or solid masonry units.

Note c. An analysis in compliance with ACI 530/ASCE 5/TMS 402 or reinforcement in accordance with Table 1812.3.2(2) is required.

Note d. An analysis in compliance with ACI 318 is required.

Note e. Mortar shall be Type M or S and masonry shall be laid in running bond.

Note f. 1 foot = 304.8 mm; 1 inch = 25.4 mm; 1 pound per square foot = 47.9 Pa.

Table 1812.3.2(2)
REINFORCED CONCRETE AND REINFORCED MASONRY FOUNDATION WALLS[a,b,c,d]

Wall height (feet)[c]	Depth of unbalanced backfill height (feet)[c]	Vertical reinforcement for 8-inch nominal wall thickness[c]		
		Soil classes and lateral soil load[a] (pound per square foot per foot of depth)[e]		
		GW, GP, SW. and SP soils 30 (inches on center)	GM, [GC,] SM, SM-SC. ML, inorganic CL and ML-CL soils 45 (inches on center)	GC, SC, MH [, ML-CL] and [inorganic CL] soils 60 (inches on center)
7	4 (or less) 5 6 7	#4 at 48 #4 at 48 #4 at 48 #4 at 40	#4 at 48 #4 at 48 #5 at 48 #5 at 40	#4 at 48 #4 at 40 #5 at 40 #6 at 48
8	4 (or less) 5 6 7 8	#4 at 48 #4 at 48 #4 at 48 #5 at 48 #5 at 40	#4 at 48 #4 at 48 #5 at 48 #6 at 48 #6 at 40	#4 at 48 #4 at 40 #5 at 40 #6 at 40 #7 at 40
9	4 (or less) 5 6 7 8 9	#4 at 48 #4 at 48 #4 at 48 #5 at 48 #5 at 40 #6 at 40	#4 at 48 #4 at 48 #5 at 48 #6 at 48 #7 at 48 #8 at 48	#4 at 48 #5 at 48 #6 at 48 #7 at 48 #8 at 48 #8 at 32

Note a. For design lateral soil loads and descriptions of soil classes, see Section 1611.0. Soil classes are in accordance with the Unified Soil Classification System and design lateral soil load are for moist soil conditions without hydrostatic pressure.

Note b. Provision to this table are based on construction requirements specified in Section1812.3.2.1.

Note c. For alternate reinforcement, see Section 1812.3.2.2.

Note d. Mortar shall be Type M or S and masonry shall be laid in running bond.

Note e. 1 foot = 304.8 mm; 1 inch = 25.4 mm; 1 pound per square foot = 47.9 Pa.

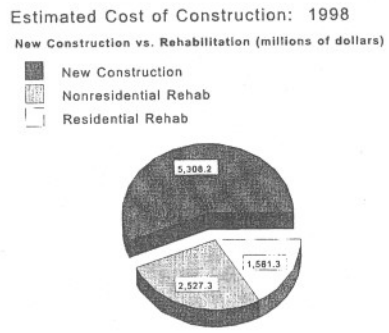
If you have any questions, please call me at (609) 984-7609.

Source: Marcel Iglesias
Code Assitance Unit

Rehabilitation Subcode

In 1998, New Jersey became the first state in the nation with separate building regulations for work on existing structures. The DCA met with construction code officials, nonprofit builders, architects, engineers, realtors, historic preservationists, and other government agencies that fund low- and moderate-income housing and wrote a new Rehabilitation Subcode. The subcode has two purposes: 1) to remove regulatory barriers that posed unreasonably high costs, and 2) to maintain health and safety standards found in the existing code for new construction. The Rehabilitation Subcode was crafted with an eye toward removing regulatory obstacles that raised redevelopment costs, especially in New Jersey cities where there is a concentration of older houses and commercial property. The DCA began administering the Rehabilitation Subcode in January 1998.

Rehabilitation is a big part of New Jersey's construction industry. Statewide, the estimated cost of construction on all permits issued for additions and alterations totaled $4,088.6 million in 1998. This was 43.5 percent of the estimated cost of all work authorized by building permits. In older cities, the proportion spent on housing rehabilitation in particular may be considerably higher. For example, of the $14.2 million in estimated cost of all residential construction authorized by permits in Trenton, Mercer County in 1998, only $3.9 million was for new construction, while $10.3 million (72.5 percent) was for repairs on existing houses. New Jersey has an old housing stock and rehabilitation of existing dwellings, along with building conversions, have a vital role in efforts to expand safe, decent, and affordable shelter.



How has the Rehabilitation Subcode worked? Construction indicators suggest the it is making a difference, especially in New Jersey cities. Statewide, the estimated cost of alterations and additions to existing structures grew at a modest rate of 7.7 percent between 1997 and 1998; however, in New Jersey's larger cities, rehabilitation work grew at much faster rates, mainly as a result of repairs and renovations to commercial property. The estimated cost of all rehabilitation work in Newark grew by 59.2 percent between 1997 and 1998. Rehabilitation work in Jersey City and Trenton grew by 83.5 percent and 40.1 percent, respectively. While many variables influenced the increase in rehabilitation work in 1998, the DCA believes the Rehabilitation Subcode is a primary reason.

Estimated Cost of Rehabilitation Construction Authorized by Building Permits Selected New Jersey Cities and Statewide: 1996, 1997, 1998

	1996 (millions of $)	1997 (millions of $)	1998 (millions of $)	Percent Change 1996-97	Percent Change 1997-98
Newark					
housing rehab	22.2	19.3	15.2	-12.9%	-21.2%
nonresident. rehab	36.4	48.8	93.3	34.2%	90.9%
Newark rehab	58.6	68.1	108.5	16.4%	59.2%
Jersey City					
housing rehab	22.5	16.7	17.6	-25.7%	5.5%
nonresident. rehab	29.0	31.8	71.4	9.8%	124.4%
Jersey City rehab	51.5	48.5	89	-5.7%	83.5%
Trenton					
housing rehab	14.4	8.0	10.3	-44.4%	27.8%
nonresident. rehab	18.1	12.9	19.1	-28.5%	47.7%
Trenton rehab	32.5	21.0	29.4	-35.6%	40.1%
New Jersey					
housing rehab	1,274.3	1,395.6	1,561.3	9.5%	11.9%
nonresident. rehab	2,028.9	2,401.7	2,527.3	18.4%	5.2%
New Jersey rehab	3,303.2	3,797.3	4,088.6	15.0%	7.7%

Source: N.J. Department of Community Affairs

Estimated Cost of Rehab Construction Authorized by Permits for Additions & Alterations Top Municipalities: 1998 (millions of dollars)

Rank	Municipality	County	Total	Residential	Nonresidential
1	Newark City	Essex	$108.5	$15.2	$93.3
2	Jersey City	Hudson	89.0	17.6	71.4
3	Edison Township	Middlesex	53.1	20.6	32.5
4	Bridgewater Township	Somerset	52.7	11.0	41.8
5	Middletown Township	Monmouth	50.8	21.0	29.8
6	Freehold Township	Monmouth	49.9	5.0	44.9
7	Mahwah Township	Bergen	47.9	7.8	40.0
8	Paramus Borough	Bergen	45.0	8.7	36.3
9	Wayne Township	Passaic	44.7	13.4	31.3
10	Elizabeth City	Union	44.3	7.8	36.4
11	Parsippany-Troy Hills	Morris	39.0	6.9	32.1
12	Woodbridge Township	Middlesex	38.0	9.1	28.8
13	Cherry Hill Township	Camden	35.7	10.1	25.6
14	East Brunswick Township	Middlesex	34.7	11.9	22.8
15	Princeton Borough	Mercer	33.0	13.4	19.6
16	Hopewell Township	Mercer	31.8	10.8	21.0
17	Summit City	Union	31.7	21.0	10.8
18	Bedminster Township	Somerset	31.7	1.4	30.3
19	Hoboken City	Hudson	31.1	18.5	12.6
20	Bernards Township	Somerset	30.6	8.9	21.7
21	Camden City	Camden	30.1	4.3	25.9
22	Millburn Township	Essex	29.8	22.2	7.6
23	Trenton City	Mercer	29.4	10.3	19.1
24	Vineland City	Cumberland	29.2	4.2	25.0
25	Lawrence Township	Mercer	28.8	4.3	24.5
	Top Municipalities		1,070.4	285.4	785.1
	NEW JERSEY		$4,088.6	$1,561.3	$2,527.3

Source: N.J. Department of Community Affairs

Source: John Lago
Division of Codes and Standards

The Rehabilitation Subcode:

A Way to Keep Out of Trouble!!!

Here is a method for avoiding a common error. When performing a plan review on an existing building, on your correction list cite only the Rehab Subcode sections (the sections from N.J.A.C. 5:23-6). For example, if there is a problem with a "newly created stair," cite N.J.A.C. 5:23-6.9(a)6.

Doing this for all reviews will eliminate the possibility of citing unreferenced sections of the model codes that were not included in the Rehabilitation Subcode and that do not apply

If you have discovered any other "tricks" to enforcing the Rehab Subcode, I would love to hear your ideas. Questions or comments can be directed to the Code Assistance Unit at (609) 984-7609.

Source: John N. Terry
Code Assistance Unit

Good Luck, Farid Ahmad!

Farid Ahmad has recently transferred from the Code Assistance Unit where he was supervisor of the code assistants to the Health Facilities Plan Review team.

Farid has a depth and breadth of code knowledge that will be missed by those who remain in Code Assistance, and will be appreciated by those with whom he is now working.

Farid served as Supervisor of the Code Assistance Unit for over 10 years. During that time, the codes have changed a great deal. We will miss his ready expertise and intend to visit the fourth floor frequently to avail ourselves of his perspective.

Good luck, Farid!

Source: Code Assistance and Code Development Units

THE STATE UNIVERSITY OF NEW JERSEY
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Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 11 Number 3

Fall 1999

UCCARS and Construction Permit Fees

The most common errors in entering data in UCCARS relate to using the wrong formula to compute the fees. The following explanations may help UCCARS users know the correct fee.

Alteration: For permits with a work type of Alteration (those not involving square and cubic volume), the training fee rate is $0.80 for each $1,000.

Addition: On New or Addition work type permits (Square and Cubic Feet of volume are required), the training fee rate is $0.0016 per cubic foot of volume.

No fees: No training fee shall be collected for lead abatement, asbestos abatement or preengineered systems of commercial farm buildings.

Fee Exempt projects: Exempt projects such as schools, municipal buildings, etc. must be checked as public buildings in UCCARS System I. In UCCARS System II, the box for Exempt from State and Local Fees must be checked on the building subcode standard form.

Estimated Cost of Work: In accordance with N.J.A.C. 5:23-4.18 (c)1i, fees for renovations, alterations, reroofing, repairs, and site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connections for premanufactured construction shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per $1,000 of estimated cost.

Modular Construction: UCCARS users should be aware that Industrialized Housing (Modular Construction) fees are based upon the site construction work, with the State Training Fee computed on the basis of the cost for alterations at $0.0008 per $1,000. To keep the State Training Fees correct, the permit should be entered as an alteration permit which gains a housing unit.

Combination Permit: Another problem for UCCARS I users is the combination permit when two different types of work are done. For example, a homeowner is adding a room onto the house and is also building a deck. The training fees for the addition are based upon the volume of the addition; the training fees for the alteration (deck) are based upon the cost. This must be treated as two permits for the purposes of State Training Fees. In UCCARS I, we use the "attached" permit. For example, the permit for the addition is input as 99-0001. The volume is computed and entered on this permit; the fees are based upon the fees for new construction or additions. The permit for the alteration is input as 99-0001/1. The cost of the alteration becomes the basis for the fees. This benefits the municipality in two ways:

1. The fees are reported properly on the State Training Fee report.

2. The deck can be given a Certificate of Approval; the addition can be given a Certificate of Occupancy. Each signifies that the work meets the code.

If you have any questions, please contact me at (609) 292-7898.

Source: Larry Wolford
TEAM UCCARS
Division of Codes and Standards

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Use Group Classification and Sprinkler Exceptions for Residential Buildings

There have been errors made in applying the sprinkler exception for certain residential buildings. There are two steps to deciding whether a residential building is exempt from the suppression requirement contained in Section 904.9 of the 1996 BOCA National Building Code. The first step is to determine the proper use group classification for the building. The second is to check whether the conditions for exemption in Section 904.9 have been met.

1. Is it Use Group R-3 or R-2?

It is clear that a two-story residential building having two or more dwelling units per floor and having a means of egress through an enclosed corridor or stair is Use Group R-2. Take the same building and eliminate the front exterior wall making the means of egress an exterior stair open in the front and enclosed on three sides. Architects commonly classify these buildings as multiple single-family dwellings (Use Group R-3). By definition, in a multiple single-family dwelling, each dwelling unit has an independent means of egress. The means of egress includes exit access, exit, and exit discharge. If any portion of a means of egress of a unit is shared with more than one other unit, the use group is not R-3; it is R-2.

Example: Two families living on the second floor exit their units and egress via a stair to a first floor landing. Two families living on the first floor exit their units and also egress onto the first floor landing. All of the occupants have converged onto a common landing and then use a single stair to grade. The correct classification is Use Group R-2, not R-3. The commonality of the egress is the factor to be evaluated when determining the use group of a residential building.

2. Are the conditions for sprinkler exception met?

Section 904.9 requires that "an automatic fire suppression system shall be provided throughout all buildings with an occupancy in Use Group R-2." This language is clearly written and universally understood. The exception to Section 904.9 is the area which has confused some readers. The exception applies to "buildings which do not exceed two stories, including basements which are not considered as a story above grade, and with a maximum of 12 dwelling units per fire area. Each dwelling unit shall have at least one door opening to an exterior exit access that leads directly to the exits required to serve the dwelling unit."

To qualify for the exception, the building must meet all elements of the exception. If the building meets only one element, the exception cannot be applied. For example, a two-story Use Group R-2 building with a basement does not fall under the exception. Any building which exceeds two stories requires a fire suppression system. The basement, while not a story above grade, is considered a story for the purpose of applying this section. Therefore, in the above example, the building has three stories and a suppression system is required.

The exception also states that egress from a dwelling unit must go to an exterior exit access. In most cases, this means that the door to the dwelling unit opens onto an exterior landing or balcony, onto an exterior stair to grade or directly to grade. If the exit path is not an exterior exit access, this part of the exception is not met and a suppression system is required.

This code section has been in the BOCA National Building Code since the adoption of the 1993 edition. I hope this clarifies the application of the sprinkler exception. If you have any questions, please contact me at (609) 984-7672.

Source: Gerald Grayce
Bureau of Regulatory Affairs

New Jersey Register Adoptions

Date: January 19, 1999
Adoption: 31 *N.J.R.* 135(b)
Adopted amendments: *N.J.A.C. 5:23 - 2.14*
Summary: Incorrect references in this section were corrected.

Date: April 5, 1999
Adoption: 31 N.J.R. 852(a)
Adopted amendments: *N.J.A.C. 5:23 - 7.1 - 7.14*
Summary: This adoption reduces the number of sources needed to enforce the Barrier Free Subcode from three to two. The scoping provisions have been consolidated in N.J.A.C. 5:23-7 et seq. CABO/ANSI A117.1-92 contains the technical requirements. *N.J.A.C.* 5:23-7 now contains the scoping provisions for what types of buildings, and which spaces in those buildings, must be accessible. It also contains parking requirements, special requirements applicable to specific use groups, enforcement responsibility requirements, and recreation standards.

Date: August 16, 1999
Adoption: 31 *N.J.R.* 2330(a)
Adopted amendments: *N.J.A.C.* 5:23-3.4; 3.20; 6.21A; 6.25A; 6.26A; 6.27; 6.28; and 6.31.
Summary: This adoption requires the installation of carbon monoxide alarms in hotel guestrooms and dwelling units covered by the Hotel and Multiple Dwelling Act and the Rooming and Boarding Home Act.

Source: Code Assistance Unit

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Center for Government Services at Rutgers, The State University. Editor: Emily Templeton. Address changes and subscription requests may be directed to the **DCA Publications Unit, P.O. Box 802, Trenton, NJ 08625-0802**. Comments and suggestions should be sent to the **Code Development Unit, P.O. Box 802, Trenton, NJ 08625-0802.**

Utility Load Management Program and the Replacement of a Water Heater

It has been brought to the attention of the Code Assistance Unit that, during some electrical inspections under the "utility load management device installation program" (N.J.A.C. 5:23-2.18A), some electrical inspectors have found that domestic water heaters have been replaced. The electrical inspector notified the plumbing inspector of the new heater installation. When the plumbing inspector inspected the domestic water heater, it was found that a number of installations were in violation of the Plumbing Subcode. Primarily, the T&P relief valve was improperly installed and piped. Also, these heaters were replaced without a Plumbing Subcode permit.

The T&P relief valve is a very important safety item on a water heater installation. These valves must be installed and piped in compliance with the Plumbing Subcode for safety and for the proper operation of the water heater. A Plumbing Subcode permit and inspection are required.

Public utilities and their contractors are reminded that a permit is required for the installation of a load management device (N.J.A.C. 5:23-2.18A). A permit is also required for the installation or replacement of a water heater. These heaters are sometimes sold to a homeowner, but are not installed by the utility company or its contractor.

When electrical inspections are made (per N.J.A.C. 5:23-2.18A) and it appears that a new water heater has been installed, it should be brought to the attention of the plumbing inspector. NJAC 5:23-2.30 specifies that a notice of violation be issued. A permit can be then be obtained and the installation may be inspected for code compliance.

Remember: we are all licensed New Jersey code officials. If an installation or code violation of another subcode discipline is detected, it should be brought to the attention of that subcode official.

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

Source: Thomas C. Pitcherello
Code Assistance Unit

Hair Interceptors – Where Required

The following questions have been asked of the Code Assistance Unit many times: "Where in the 1996 National Standard Plumbing Code (NSPC) is it indicated that a hair interceptor is required?" and "What section of the Plumbing Subcode can be cited for a violation if this type of interceptor is required, but has not been installed?"

First, a hair interceptor is required on all commercial shampoo sinks where hair is washed. In the 1996 NSPC, the last sentence of Section 5.3.5, titled Prohibited Traps, declares: "Hair interceptors, precious metal interceptors, and similar appurtenances shall be permitted as per other sections of this Code."

In addition, at Section 6.1, titled "Interceptors, General," the code states that "Interceptors (including grease, oil, sand interceptors, etc.) shall be provided when, in the opinion of the [Administrative Authority] Plumbing Subcode Official, they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand, solids, and other ingredients harmful to the building drainage system, the public sewer or sewer-treatment plant or process." In this case, hair is classified as "solids and other ingredients [that are] harmful to the building drainage system."

The determination should be made during plan review as to whether a hair interceptor is required to be installed on a commercial (i.e. non-residential) shampoo sink. When it is determined that a hair interceptor is required, but is not provided, Section 6.1.1 of the Plumbing Subcode, titled "When required," should be cited on the violation notice.

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

Source: Thomas C. Pitcherello
Code Assistance Unit

It's Rehab Subcode Code Change Proposal Time Again

It is time to think about proposals for the second annual Rehabilitation Subcode code changes. There is a companion article in this *Communicator* detailing amendments to the Rehabilitation Subcode. These amendments resulted in large part from code changes presented at the special Code Advisory Board meeting and public hearing held on March 12, 1999.

The Rehabilitation Code Change process for the upcoming year (2000) will mirror that followed for 1999:

1. At its meeting on December 10, 1999, the Code Advisory Board will set the date and time for a special meeting and public hearing on the Rehabilitation Subcode code change proposals.
2. Rehabilitation Subcode code change proposals are due by January 14, 2000.
3. Code change proposals received by January 14, 2000 will be sent to members of the Code Advisory Board and to members of the applicable technical subcode committees.
4. The Code Advisory Board meeting and public hearing for Rehabilitation Subcode code change proposals will be held in March 2000.
5. At the April 2000 Code Advisory Board meeting, recommendations regarding the code change proposals will be made to the Department.
6. The Department will prepare a rule proposal which will be published in the *New Jersey Register* during the summer, with adoption of the amendments planned by the end of the year.

The code change proposal form for 2000 is printed here for your convenience.

If you have any questions about this process, please feel free to contact me — or any member of the Code Assistance Unit — at (609) 984-7609.

Source: Emily Templeton
Code Development

The Barrier Free Subcode and Multifamily Residences

The Department has recently become aware that there are questions about which multifamily residential buildings are required to be accessible. With the adoption of the Barrier Free Subcode that was published in the *New Jersey Register* on April 5, 1999, an effort was made to make this clear by including a section on exempt buildings (N.J.A.C. 5:23-7.3) and separate sections on non-residential (N.J.A.C. 5:23-7.4) and multifamily residential (N.J.A.C. 5:23-7.5) buildings required to be accessible.

The Barrier Free Subcode begins (N.J.A.C. 5:23-7.1) by stating that all buildings and their associated sites are required to provide access to people with disabilities. N.J.A.C. 5:23-7.2 gives the technical standard for dimensional compliance and N.J.A.C. 5:23-7.3 gives two categories of exemptions.

(1) At N.J.A.C. 5:23-7.3(a), exemptions for non-residential buildings are given. There are four separate items in that category. They are: temporary structures, areas of buildings where work cannot reasonably be performed by people with disabilities, floors or mezzanines of less than 3,000 square feet, and unclassified accessory buildings or structures of Use Group U. Some of these items have subsections that explain — or provide an exception from — the item given.

(2) At N.J.A.C. 5:23-7.3(b), exemptions for residential structures are given. There are two items in that category. First are townhouses, which are defined as having more than one story of living space, excluding basement or attic, with most of the sleeping rooms on one story, and with an independent entrance at or near grade. There is no maximum number of townhouses given because this design, as defined, is exempt no matter how many are built. Second are residential buildings with one, two, or three dwelling units in a single structure. A subsection (N.J.A.C. 5:23-7.3(b)2i) specifies that when counting the number of dwelling units in a single structure, firewalls do not designate separate buildings. In this section, a number of dwelling units is given because the number of dwelling units in the single structure determines whether any of the dwelling units must be accessible.

These two items — the exemption for townhouses and the exemption for multifamily dwellings with fewer than four dwelling units in a single structure — are separate and distinct from one another; they are not cumulative.

Because some code users read for exemptions and others read for applications, the revised Barrier Free Subcode includes both. Therefore, scoping requirements can be "checked" by comparing the provisions of N.J.A.C. 5:23-7.4 (non-residential buildings) and N.J.A.C. 5:23-7.5 (multifamily buildings) with the exemptions in N.J.A.C. 5:23-7.3.

At N.J.A.C. 5:23-7.4, the accessibility requirements for non-residential buildings (including buildings of Use Group R-1) are given. Included in this section is the familiar large building/ small building distinction that determines when elevator service is required in the new construction of a non-residential building.

At N.J.A.C. 5:23-7.5, the accessibility requirements for multifamily residential structures are given. Buildings with four or more dwelling units are required to be accessible. Unless exempted by N.J.A.C. 5:23-7.3, the dwelling units required to be accessible depends on whether the building is elevator-serviced. In an elevator-serviced building, all dwelling units must be accessible; in a non-elevator serviced building, the ground floor dwelling units are required to be accessible. Remember, the ground floor dwelling units are the first level of dwelling units regardless of whether that level is at grade.

I hope this explains the format — and the requirements — of the newly adopted Barrier Free Subcode. If you have any questions on scoping, please contact me. If you have questions about dimensions, please contact John Terry. We can each be reached at (609) 984-7609.

Source: Emily Templeton
Code Development

UCCARS and Electrical Saftety Inspections

In the UCCARS software, the monies collected for electrical safety inspections are entered under the miscellaneous payments screen, as follows:

At the main menu:

Select Enter or Update Data,

Enter your Third level Password

Select Misc Payment/Adjustment

Press the Enter key at the Permit/Control Number box

Input the Block and Lot numbers of the property,

Qual: Input is not required

Adjustment ? N

Fee Type:

Put an x next to Other,

Type the word pool in the box

Check number: If paid by check, type in a check number here

Check Amount Paid: If paid by check, input amount of payment here

Cash Amount Paid: If paid in cash, input amount of payment here

Received By: Input your initials

Date: Input date

Receipt Number: The receipt number must be entered if payment was in cash

Please call me at (609) 292-7898 if you have any questions about this process.

Source: Larry Wolford
Team UCCARS
Division of Codes and Standards

More About the "Path of Travel"

For a code requirement that is almost five years old, there still seems to be an incredible amount of confusion regarding the "path of travel" in the Barrier-Free Subcode. The purpose of this article is to answer several of the questions that I am asked regularly on this issue.

Question 1: When a building fully complies with the requirements of the Barrier-Free Subcode, does the permit applicant's design professional still need to dedicate 20 percent of the cost of the planned rehabilitation work towards Barrier-Free compliance?

Answer 1: No. If the building is in compliance with the Barrier-Free Subcode and the rehabilitation project complies with the applicable sections of the Rehabilitation Subcode, there is no need to apply the path of travel requirements to the project. The purpose of the path of travel requirements is to improve the route to an interior space. The improvement may not provide complete accessibility. The highest level of compliance that can be obtained is compliance with the Barrier-Free Subcode. If the project complies with the Barrier-Free Subcode, it is not necessary for the building owner to undertake additional work that would exceed the Barrier-Free Subcode requirements.

Question 2: A reconstruction project is being undertaken and a portion of the cost of the project is being dedicated to improving the path of travel to the altered space. However, the dedicated amount is less than 20 percent of the overall cost of the project. The design professional has verified that full compliance with the Barrier-Free Subcode is being obtained by spending less than 20 percent. Is this acceptable?

Answer 2: Yes. As with the answer to the first question, the highest level of compliance that can be required by the construction department is full compliance with the Barrier-Free Subcode. No additional work is required.

Question 3: A rehabilitation project is undertaken in a building containing more than one use group. The scope of the project is limited to one use group, which has a separate entrance. There is no work contemplated in any other portion of the building. The part of the building where the project is being undertaken is fully compliant with the Barrier-Free Subcode. Should the permit applicant's design professional be required to analyze the entire building for compliance?

Answer 3: NO! The path of travel to be analyzed is to the altered or reconstructed space only. The fact that another portion of the building is not in compliance with the Barrier-Free Subcode is not relevant to the project being undertaken.

If you have questions, please contact me or Emily Templeton at (609) 984-7609.

Source: John N. Terry
Code Assistance Unit

Star Fire Sprinkler Recall

In cooperation with the Consumer Product Safety Commission, Mealane Corporation of Philadelphia is voluntarily recalling up to 1 million Star brand fire sprinklers that were manufactured from 1961 through 1976. These sprinkler heads were used in hospitals, schools, resorts, stores, office buildings, warehouses, and supermarkets.

This may be of interest to code officials, as well as fire officials, should a building owner undertake a construction project in an existing building that contains the recalled sprinkler heads. In that case, the code official should inform the building owner of the recall.

The Star sprinklers being recalled are dry-type models D-1, RD-1, RE-1, E-1 and ME-1 made from 1961 through 1976. The name "Star" appears on the sprinklers, along with the model number and date of manufacture.

Should a building owner have any questions on the recall, please direct them to the Star Sprinkler Recall Hotline at (800) 866-7807.

Source: John N. Terry
Code Assistance Unit

Adaptable AND Accessible

With the adoption of the new Barrier Free Subcode (N.J.A.C. 5:23-7) on April 5, 1999, there has been some confusion regarding the requirements for dwelling units. In the Barrier Free Subcode, the term "accessible" is used to describe those dwelling units that are required to be accessible to — and usable by — people with disabilities. The requirements for accessible dwelling units should not be confused with the requirements for non-residential accessible spaces. As the Barrier Free Subcode states, an accessible dwelling unit is a dwelling unit with an accessible route to, into, and through the unit, with adaptable features in the kitchen and bathroom. The requirements for an adaptable kitchen and bathroom in an accessible dwelling unit can be found in Section 4.33 of the CABO/ANSI A117.1-92 standard. One example of an adaptable feature is the provision of blocking in the bathroom wall for the later installation of grab bars. Another example is that the kitchen cabinets may be replaceable as a unit, which eliminates the need for custom height cabinets.

Just remember, there is one standard of compliance for a dwelling unit covered by the Barrier Free Subcode in the State of New Jersey. You can call it adaptable, accessible, or both, but it has an accessible route to, into, and through the dwelling unit, required clear floor space and maneuvering space in the dwelling unit, and adaptable features in the kitchen and bathroom. If you have any questions contact the Code Assistance Unit at (609) 984-7609.

Source: John N. Terry
Code Assistance Unit

New Jersey Department Of Community Affairs
Division Of Codes And Standards Rehabilitation Subcode (NJAC 5:23-6)
Code Change Proposal

DUE: To be considered, code changes must be submitted by **January 14, 2000**.
Sections must be presented with language proposed for **deletion** in brackets [ ].
Sections must be presented with language proposed for **addition** underlined ____.

Mail code change proposals to:
Code Development Unit
Department of Community Affairs
Division of Codes and Standards
Post Office Box 802
Trenton, New Jersey 08625-0802

FAX Code Change Proposals to:
Code Development Unit
Department of Community Affairs
Division of Codes and Standards
(609) 633-6729 or
(609) 984-7717

Information may be obtained from the Code Development or Code Assistance Units at (609) 984-7609.

Section (Citation) Proposed for Change_____

Sections (Companion Changes) that may also need to be changed_____

NAME: _____

ORGANIZATION:_____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

E-MAIL:_____

PROPOSED CODE CHANGE

SUPPORTING STATEMENT (Reason for Code Change)

Department of Community Affairs
Division of Codes and Standards
Rehabilitation Subcode
Code Change Proposal 2000

Proposed Changes to the Rehabilitation Subcode (N.J.A.C. 5:23-6)

By the time this *Communicator* is mailed, the public comment period on these proposed changes to the Rehabilitation Subcode will have ended. However, anyone who has an idea for improving the Rehabilitation Subcode or who has identified a point on which the Rehabilitation Subcode requirements are unclear is encouraged to review this summary of proposed changes. If the point you have identified is not addressed here, please use the form included in this issue of the *Communicator* to submit a proposal for a code change to be considered next year.

The amendments to the Rehabilitation Subcode that are summarized here are the result of experience gained through the application of the Rehabilitation Subcode to construction projects throughout New Jersey for the past year and a half. This rule proposal includes changes initiated by the Department, code users, and members of the public.

Ordinary Repair: At N.J.A.C. 5:23-1.4, 2.7, 2.14, 3.3(a)1, and 9.3, the term "ordinary repair" has been changed to "ordinary maintenance" to distinguish this term, used throughout the Uniform Construction Code, from the term "repair," which is a category of work in the Rehabilitation Subcode.

5:23-2.32: Unsafe Structures

N.J.A.C. 5:23-2.32(a)3 contains an amendment replacing an existing reference to the 25-50 percent rule with a reference to the Rehabilitation Subcode. The 25-50 percent rule was deleted from the Uniform Construction Code when the Rehabilitation Subcode was adopted in January, 1998.

5:23-3.2: Matters covered; exceptions

At N.J.A.C. 5:23-3.2(b)1, the reference to "alteration" of health care facilities has been changed to "rehabilitation" because "alteration" is a defined term in the Rehabilitation Subcode. In addition, the reference to the "Guidelines for Construction and Equipment of Hospital and Medical Facilities" has been updated.

5:23-4.3A: Enforcing agency classification

At section N.J.A.C. 5:23-4.3A(e)1, the reference to the 25-50 percent rule regarding Departmental plan review has been replaced with a reference to the Rehabilitation Subcode.

5:23-6.2: Applicability and compliance

At N.J.A.C. 5:23-6.2(b)2i., an amendment is proposed to include language that permits the code official to require compliance with the codes applicable for new construction when all but a *de minimis* portion of a building is demolished.

5:23-6.4: Repairs

At N.J.A.C. 5:23-6.4(e)5, the section has been revised to clarify the relationship of the replacement of refrigerant to the requirements of the mechanical subcode. A companion change has been made in N.J.A.C. 5:23-6.5(e)7, N.J.A.C. 5:23-6.6(e)13, and N.J.A.C. 5:23-6.7(e)10.

At N.J.A.C. 5:23-6.4(f), the smoke detector requirements have been revised for clarity. A companion change has been made at N.J.A.C. 5:23-6.5(f) and N.J.A.C. 5:23-6.6(f).

5:23-6.5: Renovations

At N.J.A.C. 5:23-6.5(d)5., a new provision is proposed to require bars, grilles and screens that are placed over emergency escape and rescue windows to be openable without the use of key, tool or special knowledge. Corollary changes are proposed at N.J.A.C. 5:23-6.6(d)5. and N.J.A.C. 5:23-6.7(d)4.

At N.J.A.C. 5:23-6.5(e)1, an amendment is proposed to correct the referenced section. Corollary changes are proposed at N.J.A.C. 5:23-6.6(e)1. and N.J.A.C. 5:23-6.7(e)1.

5:23-6.6: Alterations

At N.J.A.C. 5:23-6.6(e)2iii(2), a clarification is included specifying that when an accessible unisex toilet room is provided, a second unisex bathroom (not accessible) is allowed. A companion change is also made at N.J.A.C. 5:23-6.7(e)2iii(2).

At N.J.A.C. 5:23-6.6(e)3ii(1), the reference to Use Group H has been deleted because this section applies only to Use Groups I-1, R-1 or R-2. A companion change has been made at N.J.A.C. 5:23-6.7(e)3ii(1).

At N.J.A.C. 5:23-6.6(e)9, the requirements for emergency rescue windows are spelled out for newly-created bedrooms in buildings of Use Group R or I-1.

At N.J.A.C. 5:23-6.6(e)10., an amendment is proposed to require a fire resistance rated assembly when living space is created over a garage in a Use Group R-3 or R-4 building. A companion change has been made at N.J.A.C. 5:23-6.27(c).

5:23-6.7: Reconstruction

At N.J.A.C. 5:23-6.7(e)9, an amendment is made that provides consistency with N.J.A.C. 5:23-6.6(e) regarding the minimum ceiling height in a room with a sloped ceiling.

5:23-6.8: Materials and methods

At N.J.A.C. 5:23-6.8(b)4i, the proposed amendment specifies that smoke detectors installed near a kitchen or bathroom in buildings of Use Group R or I-1 must be photoelectric type.

At N.J.A.C. 5:23-6.8(b)4ii., an amendment is proposed to require supervision consistent with the building subcode for newly-installed fire suppression, fire alarm and fire detection systems.

At N.J.A.C. 5:23-6.8(b)5iii, the proposed amendment adds section 1017.5 of the building subcode entitled "Security grilles". This was inadvertently omitted from the initial adoption.

At N.J.A.C. 5:23-6.8(c), the numbering of several sections has been corrected, as have the titles of three chapters of the 1996 National Standard Plumbing Code.

5:23-6.9: New Building Elements

At N.J.A.C. 5:23-6.9(a)6., an amendment is proposed to require newly created openings in fire resistance rated assemblies to be provided with fire dampers.

At N.J.A.C. 5:23-6.9(a)7., an amendment is proposed to require a fire separation assembly to protect newly-created exit discharge passageways. The required fire resistance rating of the newly-created assembly is not required to exceed the rating of the exit that discharges into the passageway.

At N.J.A.C. 5:23-6.9(a)20, the amendment requires newly-created tenant separation assemblies to comply with the rating requirements and the continuity requirements of the building subcode.

5:23-6.11 Basic Requirements in All Use Groups

At Table 1 of N.J.A.C. 5:23-6.11(b), an amendment is proposed to clarify that the limitation of five square feet per occupant applies only to Use Group A occupancies.

5:23-6.12 Basic Requirements Use Group A-1

At N.J.A.C. 5:23-6.12 (e), an amendment is proposed to clarify that the emergency electrical system is required to provide continue illumination for means on egress lighting for a period of one hour in conformance with the requirements of the building subcode. Companion changes are proposed at 5:23-6.13(f), 6.14(f), 6.15(e), 6.16(e), 6.17(e), 6.18(e), 6.19(e), 6.20(f), 6.21(g), 6.22(f), 6.23(f), 6.24(e), 6.25(g), 6.26(f) and 6.28(e).

At N.J.A.C. 5:23-6.12(e)1., an amendment is proposed to require the switch used to control the means of egress lighting in occupancies used for motion picture projection to be connected to the emergency system in accordance with the electric subcode. Companion changes are proposed at 5:23-6.13(f)1., 6.14(f)1., 6.15(e)1., 6.16(e)1 and 6.18(e)1.

At N.J.A.C. 5:23-6.12 (f), an amendment is proposed to clarify that exit signs are required to provide continuous illumination for a duration of one hour in conformance with the requirements of the building subcode. Companion changes are proposed at 5:23- 6.13(g), 6.14(g), 6.15(f), 6.16(f), 6.17(f), 6.18(f), 6.19(f), 6.20(g), 6.21(h), 6.22(g), 6.23(g), 6.24(f), 6.25(h), 6.26(g) and 6.28(f).

5:23-6.21: Basic Requirements — Use Group I-1

At N.J.A.C. 5:23-6.21(c), requirements are given for an egress window in a newly-created bedroom below the fourth floor in a building of Use Group I-1. Companion changes are proposed at N.J.A.C. 5:23-6.25© and 6.26(b).

5:23-6.25A Supplemental Requirements — Use Group R-1

At N.J.A.C. 5:23-6.25A(d), an amendment is proposed to make the threshold for requiring the installation of smoke detectors the same for all residential occupancies.

5:23-6.27: Basic Requirements — Use Group R-3 and R-4

At N.J.A.C. 5:23-6.27(g), an amendment is made specifying plumbing fixture requirements for buildings of Use Group R-3 or R-4. Basic requirements for plumbing fixtures were not included in the original proposal. Because the change of use requirements of the Rehabilitation Subcode refer the user to the basic requirements of the subcode, it is appropriate to include requirements for toilet facilities.

5:23-6.31: Change of use

At N.J.A.C. 5:23-6.3© and 6.31(d), the proposed amendments clarify the requirements for the enclosure of vertical openings in a change of use.

At N.J.A.C. 5:23-6.31(e)1i., an amendment is proposed to specify which structural elements are required to be analyzed when determining the construction type of an existing building.

At N.J.A.C. 5:23-6.31(f)1i., an amendment is proposed to clarify the exception for the fire resistance rating of exterior walls of multiple buildings on the same lot. The proposed clarification states that the exception applies only to the exterior walls that face each other.

At N.J.A.C. 5:23-6.31(g)1., an amendment is proposed to require supervision of suppression systems when the system is required by this section.

At N.J.A.C. 5:23-6.31(h), an amendment is proposed to require supervision of a fire alarm system when the system is required by this section.

At N.J.A.C. 5:23-6.31(I), an amendment is proposed to require supervision of a fire detection system when the system is required by this section.

At N.J.A.C. 5:23-6.31(j), the proposed amendment specifies the required type of smoke detectors (photoelectric) to be installed near a kitchen or bathroom.

N.J.A.C. 5:23-6.31(n) clarifies enforcement responsibilities for two code items: the building subcode official must ensure that a test and balance of the mechanical system has been completed and the fire subcode official has jurisdiction for a hood suppression system.

5:23-6.32: Additions

N.J.A.C. 5:23-6.32(d) is clarified to emphasize that the expansion allowed is 25% beyond the existing floor area.

At N.J.A.C. 5:23-6.32(g)2, an amendment is proposed to correct the reference to the barrier-free subcode.

5:23-6.33: Historic buildings

At N.J.A.C. 5:23-6.33(a)3, the references to the specific site and building alterations required to make historic structures accessible to people with disabilities have been deleted. As originally adopted, this section might have been misunderstood to require more stringent accessibility requirements for historic structures than for other buildings. Improved accessibility for all buildings, including historic buildings, is effectively ensured through the categories of work. A statement that variations to the applicable barrier free requirements may be granted only if the historic character of the building is threatened or destroyed has been moved from the deleted 6.33(a)3 to (a)2, Variations, for clarity.

5:23-9.3: Interpretation: Ordinary maintenance

At N.J.A.C. 5:23-9.3, the title and all subsequent references in this section have been changed from "ordinary repair" to "ordinary maintenance."

At N.J.A.C. 5:23-9.3(a)4iii, the installation of battery-powered smoke detectors is included in the list of "ordinary fire protection maintenance." With adoption of the Rehabilitation Subcode, there has been some confusion regarding the permit requirements for these devices. This proposed amendment is intended to clarify that a permit is not required.

Source: John N. Terry
Code Assistance

Important Notice to Municipalities in the 856 Area Code

Effective December 1999, you must modify your telephone number.

If you are a UCCARS I user, you will need to modify the uccsend.xtk and uccrbbs.xtk files in the C:\uccars\uccars.cmm subdirectory of your hard drive. Note: If you are on a network, please consult your network administrator regarding the drive on which the program is located. Using a DOS text editor (such as DOS 6.2 edit or Earlier DOS edlin), modify the Number line in the file. The following are copies of the uccsend.xtk and uccrbbs.xyk files. Both files appear the same.

Old File

```
Name      CARS BULLETIN BOARD
NUmber    292-9034
POrt      2
SPeed     9600
go r10/300
```

New File

```
Name      CARS BULLETIN BOARD
NUmber    1-609-292-9034
POrt      2
SPeed     9600
go r10/300
```

If you are a UCCARS II user, you will need to modify the uccsend.xtk and uccrbbs.xtk files in the C:\xtalk subdirectory of your hard drive. Note: If you are on a network, please consult your network administrator regarding the drive on which the program is located. Using a DOS text editor (such as DOS 6.2 edit or Earlier DOS edlin), modify the Number as follows:

Old File

```
Name      CARS BULLETIN BOARD
NUmber    292-9034
POrt      2
SPeed     9600
go r10/300
```

New File

```
Name      CARS BULLETIN BOARD
NUmber    1-609-292-9034
POrt      2
SPeed     9600
go r10/300
```

An alternative method of changing the telephone number is to use the UCCOMM disk provided by the Department of community Affairs (DCA) and change the number. Before using this method, you must be sure which POrt your modem is on, and the speed, make, and model of your modem.

The screen will prompt you for the modem port number, baud rate, and the DCA bulletin board telephone number. Because the program is used by all parts of the State, the telephone number will vary based on location. The bulletin board telephone number — (609-292-9034) — is shown in the program's prompt screen. Municipalities in the 201, 732, or 908 area codes will need to call 1-609-292-9034. Municipalities in the 609 area code will enter 292-9034. If your local telephone system requires that you dial a 9 or another access code to get an outside line, that number must be added to the telephone number followed by a comma (eg: 9,292-9034 or 9,1-609-292-9034).

After the telephone number has been entered, a pop-up window will appear prompting you to confirm the entries or re-enter the parameters. If the parameters are correct, select "ABOVE IS CORRECT." The UCCOMM program will then create the Crosstalk programs with your communication parameters and will execute the crosstalk program. At this point, you can quit the setup program. Your UCCARS files will have been modified.

Users of UCCARS-like software should contact their vendors to arrange for modifications to your system.

If you have any questions, please contact me at (609) 292-7898.

Source: Larry Wolford
Team UCCARS
Division of Codes and Standards

Counter Documents

The Department has become aware that some municipal code enforcement offices offer "counter documents," information sheets for the general public that are available at the counter.

We believe that it may be helpful to make the best of these documents available to all municipalities. Therefore, we are asking each municipal office to send its counter documents to:

Department of Community Affairs
Division of Codes and Standards
Post Office Box 802
Trenton, New Jersey 08625-0802
ATTN: Natasha St. Cyr

Thank you very much. We look forward to receiving and reviewing these documents which are geared to improving the understanding of the Uniform Construction Code for citizens who are code users.

Source: Code Assistance Unit

NEC and Y2K

Everyone is talking about the Year 2000. This is a good way to claim attention. Even though there is no connection between the Year 2000 and the National Electrical Code (NEC), the Department is making a connection by starting the Year 2000 with the most recent edition of the NEC (1999) as the adopted Electrical Subcode.

To achieve this, the proposal to adopt the 1999 NEC was published in the August 16, 1999 issue of the *New Jersey Register*. Don't forget to review the proposal and to send comments, if any, to the Department. Trust me, the new year-oops-the new millennium party would be safer with the 1999 edition, electrically speaking.

Source: Ashok K. Mehta
Code Assistance Unit

Municipal Inspectors' Liability

Some readers may be disturbed by a recent item in Codes & Standards, published by Kelly P. Reynolds and Associates of Chicago, quoting the case of Renan Realty v. DCA as standing for the proposition that a municipal inspector was liable for failure to note the absence of pilasters in a basement wall.

We wish to advise you that (1) Renan concerns an unsuccessful appeal by a landlord of the refusal of the Bureau of Housing Inspection to grant an exception from the second means of egress requirement and has nothing to do with either municipal inspectors or pilasters, and (2) the law in New Jersey remains that an inspector is not liable merely for negligent inspection or failure to inspect.

We have asked the Reynolds organization to make the necessary correction of its statement.

Source: Michael Ticktin, Esq.
Chief, Legislative Analysis
Division of Codes and Standards

Correcting A State Training Fee Report

I recently received a letter asking how to correct a State Training Fee report. The following steps will allow a UCCARS user to correct a problem.

First: Run the Permit Fee Log for each of the 3 months included in the State Training Fee report. In the Permit Fee Log, look for permits in which the column for DCA training fee is zero.

Make an evaluation: Is the work value of this permit less than $625?

If this is the case, the DCA fee should be $0. Some municipalities charge a minimum fee of $1.

Is this permit for work done by the municipality, county, State, or school board?

If so, make sure the permit has been marked as Public. In this case, the DCA fee is $0.

Is this permit an update on new construction?

If this is the case and there has been no increase in volume for the update, the DCA fee is $0. All updates on new construction permits should have the same permit number plus an indicator that it is an update such as +A, +B.

Have you voided a permit during this month?

If so, the DCA fee is still listed as having been collected. Include a copy of the voided permit(s) with your report.

Rounding the DCA fees can result in some discrepancies, but DCA has a method of compensating for this, so there is no need for the UCCARS user to take any steps to account for it.

If you are a UCCARS user, are you on version 5.16 of UCCARS II or version 3.16 of UCCARS I? These versions have been modified to list the value and volume of permits which are exempt from the DCA fee.

UCCARS II users who use Control Numbers and "shortcut" the Upgrade to Permit process create major problems with State Training Fees and corrupt the data in their computers. The shortcut to Upgrade involves upgrading the permit from a control number to a permit number without reviewing and saving each of the subcode sections. Fortunately, the remedy is as easy as going back to the permit and reviewing and saving each subcode section individually. This is time-consuming, but well worth the effort.

Please contact me at (609) 292-7898 with any questions you may have regarding this process.

Source: Larry Wolford/TEAM UCCARS/
Division of Codes and Standards

Who Do I Call at DEP?

In an effort to improve communication between users of the Uniform Construction Code and those involved with land use regulated by the New Jersey Department of Environmental Protection (DEP), DEP has provided the following list of contact people. These people may be contacted with questions about whether prior approvals have been met. They can also answer other construction-related questions, such as whether changes to the construction documents affect the DEP approval, whether a prior approval is needed, or whether site work that is not covered by the Uniform Construction Code might require DEP approval. The list is organized by county and by land use program. It is reprinted here for your convenience.

New Jersey Department Of Environmental Protection Land Use Regulation Program
Contact List
9/23/99

www.state.nj.us/dep/landuse
501 East State Street, 2nd Floor, P.O. Box 439
Trenton, New Jersey 08625-0439
(609) 292-0060

For general information, not related to a submitted application, call the "general caller of the day" at (609) 984-0194 or (609) 984-0184.

If a LUR application has already been submitted:

CALL APPLICATION SUPPORT AT (609) 777-0456 for the name and phone of the staffer handling the application.

For enforcement questions, or to report a violation, call:
- **Northern New Jersey — (609) 292-1240**
- **Southern New Jersey — (732) 255-0787**

For dredging and marina questions, call:
- **Barnegat Bay and north — Suzanne Dietrick at (609) 292-9203**
- **Little Egg Harbor and south (including the Delaware River) — David Risilia at (609) 292-9342**

For tidelands questions, call (609) 292-2573

For mitigation or Mitigation Council questions, call:
- **Virginia Kop'Kash at (609) 984-0194**

DEP Land Use Regulation Contact List[1]

County and/or Municipality Permit Program	DEP Supervisor (all area codes are 609)
Atlantic County	
Freshwater wetlands and Coastal permits[2]	Karl Braun: 984-0288 or kbraun@dep.state.nj.us
Stream encroachment[3]	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Bergen County	
Freshwater wetlands and Coastal permits (except major Hudson River developments)	Mark Godfrey: 633-9277 or mgodfrey@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Major developments within 500 feet of the Hudson River	Karl Braun: 984-0288 or kbraun@dep.state.nj.us
Burlington County	
Freshwater wetlands and Coastal permits	Andy Heyl: 984-0288 or aheyl@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Camden County	
Freshwater wetlands and Coastal permits	Kevin Broderick: 984-0288 or kbroderi@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Cape May County	
Dennis Twp., Lower Twp., Middle Twp., Upper Twp., West Cape May, Woodbine	
Freshwater wetlands and Coastal permits	Kevin Broderick: 984-0288 or kbroderi@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Avalon, Cape May City, Cape May Point, Lower Twp. (oceanfront only), North Wildwood City, Ocean City, Sea Isle City, Stone Harbor, Upper Township (Strathmere only), Wildwood, Wildwood City, Wildwood Crest	
Coastal permits	Mark Mauriello: 292-8262 or mmauriel@dep.state.nj.us
Freshwater wetlands	Kevin Broderick: 984-0288 or kbroderi@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Cumberland County	
Freshwater wetlands and Coastal permits	Kevin Broderick: 984-0288 or kbroderi@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Essex County	
Freshwater wetlands and Coastal permits	Chris Jones: 633-6754 or cjones@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Gloucester County	
Freshwater wetlands and Coastal permits	Kevin Broderick: 984-0288 or kbroderi@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Hudson County	
Freshwater wetlands and Coastal permits (except major Hudson River developments)	Chris Jones: 633-6754 or cjones@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Major developments within 500 feet of the Hudson River	Karl Braun: 984-0288 or kbraun@dep.state.nj.us
Hunterdon County	
Freshwater wetlands (no Coastal permits are needed in Hunterdon County)	Lou Cattuna: 777-0454 or lcattuna@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Mercer County	
Freshwater wetlands and Coastal permits	Lou Cattuna: 777-0454 or lcattuna@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Middlesex County	
Freshwater wetlands and Coastal permits	Chris Jones: 633-6754 or cjones@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Monmouth County	
Aberdeen Twp., Allentown, Atlantic Highland, Brielle, Colts Neck Twp., Eatontown, Englishtown, Fair Haven, Farmingdale, Freehold Borough, Freehold Twp., Hazlet Twp., Highlands, Holmdel Twp., Howell Twp., Interlaken, Keansburg, Keyport, Little Silver, Long Branch, Manalapan Twp., Marlboro Twp., Matawan, Middletown Twp., Millstone Twp., Millstone Twp., Monmouth Beach, Neptune Twp., Neptune City, Ocean Twp., Oceanport, Red Bank, Roosevelt, Rumson, Sea Bright, Shrewsbury, Shrewsbury Twp., Spring Lake Heights, Tinton Falls, Union Beach, Upper Freehold Twp., Wall Twp., West Long Branch	
Freshwater wetlands and Coastal permits	Kurt Kalb: 984-0184 or kkalb@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Allenhurst, Asbury Park, Avon-By-The-Sea, Belmar, Bradley Beach, Deal, Loch Arbour, Manasquan, Sea Girt, South Belmar, Spring Lake	
Freshwater wetlands and Coastal permits	Mark Mauriello: 292-8262 or mmauriel@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Morris County	
Freshwater wetlands (no Coastal permits are needed in Morris County)	Mark Godfrey: 633-9277 or mgodfrey@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us

[1] If you need information regarding an application that has already been submitted to DEP Land Use Regulation, call the Application Support Unit at (609) 777-0456 to obtain the name and phone number of the staffer handling the application.

[2] "Coastal permits" include all Waterfront Development, CAFRA, and Coastal Wetlands permits.

[3] "Stream encroachment" is the Department's program regulating development in flood hazard areas.

County and/or Municipality Permit Program	DEP Supervisor (all area codes are 609)
Ocean County	
Barnegat Light, Bay Head, Beach Haven, Beachwood, Berkeley Twp. (barrier island portion only), Brick Twp., Dover Twp. (barrier island portion only), Harvey Cedars, Island Heights, Lavallette, Long Beach Twp., Ocean Gate, Mantoloking, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park (oceanfront portion only), Ship Bottom, South Toms River, Surf City	
Freshwater wetlands and Coastal permits	Mark Mauriello: 292-8262 or mmauriel@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Barnegat Twp., Berkeley Twp. (inland portion only), Dover Twp. (inland portion only), Jackson Twp., Lacey Twp., Lakehurst Borough, Lakewood Twp., Manchester Twp., Ocean Twp., Plumstead Twp., Seaside Park (inland portion only)	
Freshwater wetlands and Coastal permits	Andy Heyl: 984-0288 or aheyl@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Eagleswood, Little Egg Harbor, Stafford, Tuckerton	
Freshwater wetlands and Coastal permits	Karl Braun: 984-0288 or kbraun@dep.state.nj.us
Stream encroachment	Mohammed Husain: 984-0162 or mhusain@dep.state.nj.us
Passaic County	
Freshwater wetlands and Coastal permits	Lou Cattuna: 777-0454 or lcattuna@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Salem County	
Freshwater wetlands and Coastal permits	Kevin Broderick: 984-0288 or kbroderi@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Somerset County	
Freshwater wetlands (no Coastal permits are needed in Somerset County)	Chris Jones: 633-6754 or cjones@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Sussex County	
Freshwater wetlands (no Coastal permits are needed in Sussex County)	Lou Cattuna: 777-0454 or lcattuna@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Union County	
Freshwater wetlands and Coastal permits	Chris Jones: 633-6754 or cjones@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us
Warren County	
Freshwater wetlands (no Coastal permits are needed in Warren County)	Lou Cattuna: 777-0454 or lcattuna@dep.state.nj.us
Stream encroachment	Rick Reilly: 984-0194 or rreilly@dep.state.nj.us

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Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

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The Rehab Subcode Wins An "Oscar!"

The New Jersey Rehabilitation Subcode has won an award as one of the top ten programs in innovative government for 1999! Sponsored by the Ford Foundation, the Council for Excellence in Government, and the Kennedy School for Government and International Affairs, the Innovations in American Government award is highly competitive (over 1600 applications annually) and has been called "the Oscar of governmental awards."

How did this happen? Well, approximately a year ago, the Department of Community Affairs received an application to compete for a national "Innovations in American Government" award. Our appetites whetted by the competition and our excitement heightened by the possibility of spreading the word about the unique and original Rehabilitation Subcode, we filled out the application.

First, we were one of 100 programs named semi-finalists. Next, we were one of 25 programs named finalists. As a finalist, we qualified for $20,000 to help "spread the word" about the Rehabilitation Subcode. We also had the opportunity to participate in a two-day awards ceremony in Washington, D.C.

The first day of the awards ceremony consisted of presentations. Representatives of each of the 25 programs gave a five-minute summary of their innovative program, emphasizing its benefits, its unique and innovative characteristics, and its replicability. William Connolly, Director of the Division of Codes and Standards, and Cynthia Wilk, Assistant Director, summarized and illustrated the Rehabilitation Subcode for a distinguished panel that included David Gergen, special editor of *U.S. News and World Report* and advisor to four United States Presidents, and David Osborne, author of *Reinventing Government.*

The next day, the Department's Rehabilitation Subcode team members (Amy Fenwick Frank, Michael Baier, Chris Majors, George Miller, Emily Templeton and John Terry) joined Bill Connolly and Cynthia Wilk at the National Press Club for the awards luncheon, at which ten $100,000 winners were announced (team member Mitch Malec was not able to attend the awards luncheon). To say that we were excited when David Gergen began to describe the Rehabilitation Subcode as a winner is an understatement. But, even better was Mr. Gergen's opening remark, "Sometimes the presentation makes the difference. The next program is one that had puzzled many of the panelists. We did not really understand this program until yesterday when suddenly it was crystallized. Then it soared right to the top with little debate."

All of us in code enforcement, all code officials, all Rehabilitation Advisory Committee members, and all Code Advisory Board members should be proud of this achievement. This is the first really new idea in building codes in over 50 years and it has been recognized with an "Oscar."

Congratulations to all who participated in its development by offering ideas and critiques. Congratulations to all who use, apply, and enforce the Rehabilitation Subcode and who, thereby, make it real. And congratulations to this State, which had the leadership to become — and has the vision to remain — a national leader in code enforcement.

The $100,000 award is to be used to publicize the Rehabilitation Subcode, so some staff members will be doing some travelling in the near future. But, our primary thanks and congratulations go to the local code officials who are on the front line, and who make the Uniform Construction Code and all of its subcodes work. Without you, the code would be a book; with you it is an active, effective, award-winning regulation.

Source: Emily W. Templeton
Code Development

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Mid-Year Construction Highlights 1999

New Jersey's construction industry continued its strong performance in June. The estimated cost of work authorized by building permits was $856.5 million. This was the second largest monthly total in the five years the New Jersey Department of Community Affairs has published construction statistics. New homes and residential rehabilitation accounted for $460.3 million (53.7 percent). Office, retail, and other commercial uses amounted to $396.2 million (46.3 percent); 513 municipalities reported.

Compared to last month, the amount of work authorized by building permits increased by $145.7 million, 20.5 percent. New housing grew at more than double that rate. Localities authorized 3,175 new houses in June — 961 more than last month, a 43.4 percent increase.

Top municipalities for the month were Hopewell Township in Mercer County ($24.2 million), the City of Hoboken in Hudson County ($18 million), Edgewater Borough in Bergen County ($17.9 million), and the City of Newark in Essex County ($17.8 million). Hopewell has another large office building under construction that is part of a campus development by a large financial services firm. This building accounts for about two-thirds of all the municipality's June activity. Over 83 percent of the work in Hoboken was for several large multifamily housing developments. The City had 194 new dwellings in June, second only to South Plainfield Borough in Middlesex County with 256 multifamily units. New houses also account for much of the activity in Edgewater. The Borough had 111 authorized units, third among all municipalities. In addition, work began on a new 87,000-square-foot movie theater with an estimated cost of $9.5 million. Newark's monthly activity was split between residential and commercial uses. The City had 84 authorized housing units, sixth best among municipalities. The estimated cost of new housing and rehabilitation of existing units was $8.6 million. Nonresidential activity totaled $9.2 million, which included $3.8 million for office renovations and $3.9 million for school alterations.

Mid-Year Construction Indicators, New Jersey

Time Period	Estimated Cost of Construction (dollars)	Authorized Housing Units	Authorized Office Space (sq. ft.)	Authorized Retail Space (sq. ft.)
Jan-June 1999	$4,994,367,961	16,809	5,254,870	3,596,046
Jan-June 1998	4,121,149,094	15,139	4,780,300	4,128,120
Jan-June 1997	3,926,007,970	12,824	3,527,402	2,632,495
Percent Change				
1st half of 1999 vs. 1st half of 1998	21.2%	11.0%	9.9%	-12.9%
1st half of 1998 vs. 1st half of 1997	5.0%	18.1%	35.5%	57.4%

Source: N.J. Department of Community Affairs

Mid-Year Performance

New Jersey's construction industry boomed in 1998. Halfway through 1999, three of the four major indicators published by the Department of Community Affairs show the State on pace to best last year's strong performance. The estimated cost of construction authorized by permits totaled nearly $5 billion between January and June 1999. This is $873.3 million more (21.2 percent) than the amount authorized this time last year. New housing is up by 1,670 units (11 percent). New office space topped last year's halfway point by 475,000 square feet (9.9 percent). Only retail activity is down. New Jersey localities had 3,596,046 square feet of new retail space, 12.9 percent less than what was reported for the first half of 1998.

Central New Jersey Still Strong

Despite strong showings by several big cities in the north, central New Jersey had the most development as a region: 39.4 percent. Northern New Jersey had 37.7 percent of the total, and southern New Jersey had 15.9 percent. State buildings accounted for 6.9 percent, though it should be noted that $167.8 million of this amount (over 48 percent) was for five buildings that are part of the Essex County Jail under construction in Newark.

While the three municipalities with the most new houses are in northern New Jersey, the central region of the State accounts for over 44.7 percent of all authorized units in the first half of 1999. Northern New Jersey had 5,180 units (30.8 percent) and southern New Jersey had 4,112 units (24.5 percent). Central New Jersey also had more new office and retail space authorized by building permits.

Mid-Year Construction Indicators by New Jersey Regions

	Estimated Cost of Construction (dollars)	Authorized Housing Units	Authorized Office Space (sq. ft.)	Authorized Retail Space (sq. ft.)
North	$1,884,976,926	5,180	1,900,012	1,397,023
Central	1,966,979,892	7,510	2,273,606	1,462,402
South	796,546,102	4,112	657,454	736,641
State Buildings	345,865,041	7	423,798	0
Total	$4,994,367,961	16,809	5,254,870	3,596,066
Percent Distribution				
North	37.7%	30.8%	36.2%	38.8%
Central	39.4%	44.7%	43.3%	40.7%
South	15.9%	24.5%	12.5%	20.5%
State Buildings	6.9%	0.009%	8.1%	0.0%
Total	100.0%	100.0%	100.0%	100.0%

Source: N.J. Department of Community Affairs

Boom Town

Municipalities with the most work in the first half of 1999 are Woodbridge Township in Middlesex County ($139.4 million), Hoboken ($115.7 million), Newark ($155.6 million), Jersey City

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in Hudson County ($92.4 million), and Hopewell Township in Mercer County ($77.2 million). Big projects in Woodbridge include two new warehouses with estimated construction costs of $44.1 million and $35 million, and a parking garage ($10.1 million). The northern New Jersey-New York City metropolitan housing boom accounts for most of the work in Hoboken. Nearly 95 percent of the estimated construction cost authorized by permits was for renovations of existing housing ($53.1 million) or construction of new multifamily units ($56 million). Since January 1999, Hoboken has authorized 632 new dwelling units, more than any other locality.

New housing also accounts for much of the activity in New Jersey's two largest cities. Jersey City authorized 428 new housing units while Newark had 409, ranking second and third behind Hoboken. Other major developments in Newark include a new baseball stadium with an estimated construction cost of $17.4 million, a new industrial warehouse ($8.5 million), and several major alterations of existing office buildings. As mentioned earlier, Newark's activity excludes building permits for the Essex County Jail with an estimated construction cost of $167.8 million.

Jersey City has several residential and commercial developments underway. What is especially significant is that, at the time this article was written, the City ranked fourth among all municipalities despite not having submitted a June monthly report. Major developments include a 26-story multifamily building with 283 market-rate units. The estimated construction cost of the high-rise is $36 million. The municipality also issued an $11.9-million permit update for a new hotel that broke ground last year.

New office construction accounts for $52.6 million of the $77.2 million authorized in Hopewell Township. The construction office reported an additional $6.7 million in renovations of existing offices and $13 million in new residential construction.

Mid-Year Construction Indicators, Top Municipalities

Rank	Municipality	County	Estimated Construction Costs (dollars)	Authorized Housing Units	Authorized Office Space (sq. ft.)	Authorized Retail Space (sq. ft.)
1	Woodbridge	Middlesex	$139,356,657	36	56,204	95,950
2	Hoboken	Hudson	115,732,727	632	0	0
3	Newark	Essex	115,621,124	409	40,342	15,400
4	Jersey City	Hudson	92,356,117	428	.526	199,427
5	Hopewell Twp.	Mercer	77,196,202	67	440,974	0
	Top Municipalities		$540,262,827	1,572	538,046	310,777
	New Jersey		$4,994,367,961	16,809	5,254,870	3,596,066

Source: N.J. Department of Community Affairs

New House Prices

The number of houses that began enrollment in a new home warranty program in the second quarter of 1999 was 5,460. Ocean County had the most new houses (801 units) that were built, occupied, and began enrollment in a warranty program in April, May, or June. Statewide, the median sales price of all new homes beginning enrollment in the second quarter of 1999 was $225,633 and the average sale price was $270,971. Bergen County had the highest median sale price with $463,991 and Cumberland County had the lowest with $143,081. Homebuilders must enroll most of the new houses they build in a new home warranty protection program. The exceptions are rental units and those dwellings where homeowners build their own houses.

New House Prices in New Jersey

Warranty Enrollment Start Date	Number of New Houses	Median Sales Price	Average Sales Price
1996	20,930	$183,300	$217,564
1997	21,640	190,000	226,856
1998	23,884	209,900	245,638
1999 1st quarter	4,351	210,010	251,069
1999 2nd quarter	5,460	225,633	270,971

Source: N.J. Department of Community Affairs

Data on construction in the State is available in a monthly publication, *The New Jersey Construction Reporter*, which is available by subscription. If you have questions about a subscription, please contact Janice White at (609) 984-7609; if you have questions about the data, you may contact me at (609) 292-7899.

Source: John Lago
Division of Codes and Standards

New Jersey Building Safety Conference 2000

The Building Safety Conference Committee is busy making plans for the spring conference. Last year, over 800 people gathered to take advantage of the educational opportunities and networking possibilities. The dates and place of the next Building Safety Conference are May 17-19, 2000 in Atlantic City at Bally's Park Place.

We encourage all code enforcement personnel and other interested parties to participate in this event. We are trying to keep costs comparable to last year's figures. Once again there will be an opportunity for early registration at a special rate. The hotel has agreed to reserve blocks of sleeping rooms at a special rate of $93 per room per night in the hotel and $117 per room per night in the tower.

For golfers, the fifth annual golf outing will take place on Wednesday, May 17, 1999. This is a good occasion to invite other code users, such as architects or builders, to join you on the course to put together "foresomes." The golf outing will take place at the Mays Landing Country Club with fees in 2000 similar to those charged in 1999.

The Building Safety Conference brochure will be mailed in early March. Plan to bring your "significant other" with you. Exciting activities are being planned for guests. New educational seminars will be available for all construction disciplines, including technical assistants.

Mark your calendar now! We are looking forward to seeing you in Atlantic City from May 17-19, 2000.

Source: Susan H. McLaughlin, Supervisor
Education Unit
Bureau of Code Services

Is This What Code Enforcement is All About?

I recently received the letter reprinted below. (All identifying information has been removed from the letter.) The family who sent this letter was mistreated by a licensed code official. Unfortunately, I receive an embarrassing number of letters with similar complaints.

To be considered a professional, one must not only know the laws, but must also know how to enforce them while engendering respect and maintaining one's dignity. After all, we are all public servants. Unprofessional actions, such as those described in the following letter, foster criticism of civil servants, civil service, tenure, and four-year appointments. These actions also undermine code enforcement and diminish the private sector's confidence in government. No one should have to endure this kind of treatment.

Dear Mr. Mraw:

We wish to inform you of an unacceptable situation in our town regarding our building inspector. This man, who represents your office, has been nothing short of arrogant and condescending in his role as building inspector.

This summer we decided to purchase and install a small, above-ground swimming pool (4 feet high by 18 feet wide). We went to the town hall and applied for the necessary permits (building and electrical). The electrical inspector came to our house and explained exactly what was needed to fulfill the requirements. Our building inspector told us to "read the code."

Our entire property is enclosed by a five-foot high chain-linked fence. At first, a representative of the town hall told us that we did not need a gate around the ladder of the pool because the existing fence fulfilled the requirements of the building code. When we asked the building inspector about this, his response was, "Read the code."

We thought we had complied with all code requirements and we called the town hall to make appointments for inspections by the electrical and building inspectors. In our town, the inspectors are available only on Tuesday and Wednesday mornings. The electrical inspector came; the electrical work on the pool passed inspection. We were at work the day that the building inspector was scheduled to come to our house. When we arrived home, we did not find any notice from the inspector. We did not know whether the pool had passed or failed inspection.

We called the town hall the next day to ask about the status of the pool. We were told that the building inspector had come to our house, but had been "too busy to get out of his truck to open the gate." Our property is enclosed by a fence and there is a gate at the end of the driveway.

Mr. Mraw, we welcome you or any of your representatives to come to our house any time. Our house is not that far off the road. The inspector did not have to walk up a long country driveway. There is absolutely nothing tricky about this gate. There is no lock; there is simply a standard gate latch.

We had to wait until the following week to get another appointment with the building inspector. The next week, we left the gate open, as ordered. The building inspector came and failed the pool. When we called to ask why the pool had failed, the first words out of his mouth were, "I'm on overtime. Make it quick." Then he told us that we needed a gate around the ladder. When we tried to ask him what kind of gate is required, he said, "Read the code."

Mr. Mraw, we did not expect any special treatment from him. All we wanted was a little bit of courtesy and help so that our son could swim in the pool during this hot summer.

Anyway, we put a gate around the ladder and waited for the following week to get another appointment. Again, we left the gate open at the end of the driveway, as instructed. The building inspector came and failed the pool. We called the next day and asked what was wrong. All he would say was, "Read the code." After practically pleading with him, the building inspector informed us in an extremely condescending way that "people like us" should learn to "read the code." Eventually we learned that our gate did not comply because it was not a self-latching gate.

We put a self-latching lock on the gate and waited for another week to get another appointment. We left the gate open at the end of the driveway. The building inspector came again and failed the pool. Once more, we called the next day and asked what was wrong with the pool. Again we were told to "read the code." Finally we were told that the posts on the gate had to be cemented and the gate needed to have a spring on it. That night (it was a Tuesday) we did everything that he had asked. We called the town hall the next day and asked if he could possibly come to our house that day (Wednesday) to inspect the pool. My wife was home when he came. In an arrogant manner, the building inspector began shaking the "flimsy gate," as he called it, and told her it was not secure. My wife told him that I had just cemented the posts and that the cement might not be completely dry yet. He shook the gate so much that it no longer closed properly.

The building inspector told my wife that the gate had failed again. When she asked him what more we needed to do, his response was, "Read the code." Totally frustrated, my wife asked, "What do we need to do to get this gate to pass? Why do you have such an attitude? Why can't you even get out of your truck and open the gate to our driveway?" He said, "Because the State says that I don't have to open gates. It's not my job to tell you how to do this. Read the code!" At this point, my wife felt extremely intimidated by the building inspector and the manner of his response. She said nothing else. He then threw up his hands and yelled, "Failed!" He left.

It was now the beginning of August. The pool had been up for six long weeks. We called the town hall and made another appointment. We left the gate open at the end of our driveway and he came and inspected our pool again. This time, it passed. Even the gate passed. Please note that this time he passed the gate without our doing anything else to it.

We admit that our little pool project did not comply at first with the State code. For that, we apologize. However, we are middle-class working people. We are not professional builders. All we asked from the building inspector was a little information and some common professional courtesy. All we received from him was arrogance, disrespect, and a condescending, intimidating attitude. In the future, when we have home building projects, we will request a different building inspector.

Sincerely,
Mr. Beleaguered Homeowner

It should be noted that, in contrast to the building inspector, the electrical inspector was highly professional. This ultimately required less work on his part. That caliber of professionalism should be the norm.

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

Providers of UCCARS-like Software: The Resulting Data File Criteria and Vendors Marketing Such Software

The Department is currently aware of four vendors marketing software that can be used as an alternative to UCCARS in managing a construction code enforcement office. An alternate product qualifies as a viable substitute if it is capable of transmitting the monthly report based upon UCCARS specifications established by the Department. Those specifications are provided to interested vendors upon request.

At present, the electronic data files created by the following vendors' UCCARS-like products meet Department specifications.

HTE Systems
Contact: Chris Meehan
1000 Business Center Drive
Lake Mary, Florida 32746-5585
Tel: 1-800-727-8088

MC Systems of NJ
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NeWare Technology Corporation
(aka MuniWare)
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Parlin, New Jersey 08859
Tel: (732) 727-4850
Fax: (732) 727-8990

United Computers
Contact: Larry Shore
100 Dobbs Lane
Cherry Hill, New Jersey 08034
Tel: 1-800-242-7403
Fax: (609) 795-4341

Note: the Department makes no certification concerning the performance or product provided by these vendors, but simply acknowledges the adequacy of their respective transmitted data files. In addition, the Department assumes no responsibility for the conversion of data to or from the UCCARS software environment. Municipalities choosing to use an alternative product in the conduct of construction code enforcement activity do so at their own risk and expense.

Source: Berit Seiple Osworth
Division of Codes and Standards

On-Line Training

A new educational option is available to code enforcement officials. The Education Unit in the Bureau of Code Services has recently reviewed and approved for continuing education credit several on-line courses offered by Building Officials and Code Administrators (BOCA), International. Computer on-line training allows inspectors to learn at their own pace anytime, anywhere via the Internet. These courses are designed for the busy professional. Currently, there are 31 courses organized into technical, managerial, administrative, and basic skills subject areas. There is also an on-line discussion forum designed for communication among code enforcement professionals nationwide.

For further information or a free visit, point your browser to www.uol.com/boca. To access the list of on-line approved course offerings for New Jersey, call BOCA's Fax-on-Demand system at 1-800-214-4321, ext. 500 and request document 6560.

If you have questions about this opportunity, please contact the Education Unit at (609) 984-7820.

Source: Susan H. McLaughlin, Supervisor
Education Unit
Bureau of Code Services

Free UCCARS Telephone Technical Assistance...What Does That Mean?

Since the original release of the Uniform Construction Code Administrative Records System (UCCARS) software in 1988, the Department of Community Affairs has maintained an annual contract with Municipal Information Systems, Inc. for providing telephone technical assistance for UCCARS to municipal construction code enforcement offices, *free* of any additional charge.

The contract calls for live phone coverage four hours per day; when the *Help Desk* is not manned by an individual, an answering machine provides the caller the opportunity to leave a message. All calls are returned within one working day. The operative term in the foregoing explanation is clearly "telephone." If the caller asks the Municipal Information Systems, Inc. representative to schedule a site visit, MIS, Inc. will bill that visit to the municipal construction code enforcement office.

Thus, when telephoning MIS, Inc. for technical assistance, to avoid any additional cost, be certain to limit assistance to over-the-phone service.

Source: Berit Seiple Osworth
Division of Codes and Standards

Inspection and Testing of Swimming Pools, Spas, and Hot Tubs

The Department is aware that some testing companies and licensed electrical contractors have not observed Departmental guidelines for conducting bonding and grounding tests for swimming pools, spas, and hot tubs. Specifically, there is concern that testing instruments be properly calibrated with appropriate sensitivity levels to ensure valid readings.

The Department reminds code officials that they have the authority to seek and review bonding and grounding testing information to ensure that Departmental guidelines are met. Code officials must make certain that readings are obtained using proper instruments and analyzed in accordance with nationally recognized standards of accepted engineering practice.

It is important that testing companies use a properly calibrated instrument when conducting bonding and grounding tests during the coming inspection cycle. Code officials are also reminded to perform annual electrical inspections in accordance with Departmental guidelines in the spring of 2000.

Source: Ashok Mehta
Code Assistance Unit

Sanctions Instituted Against Code Officials

I have been asked to publish examples of situations that gave rise to administrative actions instituted against licensed construction code officials. This article is the first of a series of such articles I will author on this subject. The purpose of publishing sanctions is not to demean or embarrass the affected individuals; therefore, names and townships will not be provided. The purpose of this article — and future articles — is to make people aware of the nature of violations committed by licensed officials and the actions taken by the Department of Community Affairs in response.

The vast majority of code officials enforce the Uniform Construction Code (UCC) as intended and do so with reason, honesty, and integrity. Sometimes, however, officials become frustrated by what they perceive is a lack of enforcement by the Department of Community Affairs against a lax official. Hopefully, these articles will increase confidence in the UCC by showing that the Department of Community Affairs takes its enforcement responsibilities seriously.

DCA Recommended Sanction: 60-Day Suspension

Example: A construction official had a subordinate issue permits and conduct inspections on projects where the contractor was an immediate family member. This is a violation of the conflict-of-interest regulations. Under the circumstances noted above, the inspection of the project and issuing of the permit should have been carried out by another municipality.
Action Taken: Following a peer review proceeding, the sanction issued was a penalty of $1,800.00 and administrative courses.

DCA Recommended Sanction: Revocation of All Licenses

Example: A licensed building official falsified test results in an attempt to obtain an electrical inspector I.C.S. license. This inspector changed the test result from a failure to a passing grade; he also attempted to reproduce the testing company's seal.
Action Taken: Following a peer review proceeding, the individual was issued a revocation of all licenses, including licenses unrelated to the misrepresentation, as well as a $1,000.00 penalty.

DCA Recommended Sanction: $1,000.00 Penalty

Example: A construction official violated the three-business day requirement for issuance of permits after prototype approval had been granted for a particular development. The construction official also failed to ensure that inspections were conducted within three business days.
Action Taken: Following a peer review proceeding, the code official was issued a $1,000.00 penalty.

DCA Recommended Sanction: $2,000.00 Penalty

Example: A construction official performed eight inspections without proper licensure.
Action Taken: Following a peer review proceeding, the code official was issued a $2,000.00 penalty.

DCA Recommended Sanction: Revocation of All Licenses

Example: A construction official allowed a particular developer to start construction on numerous properties without the required permits. This code official also allowed numerous, serious framing violations to go unabated. On at least two occasions, the official inspected and approved footings that had been poured prior to inspection. This code official approved numerous building projects for occupancy without ensuring that all inspections were conducted.
Action Taken: Following a peer review proceeding, the official was issued a revocation of all licenses held. Final action is pending an Administrative Law Hearing.

DCA Recommended Sanction: Revocation of All Licenses

Example: Two building inspectors inspected numerous properties and approved framing inspections with serious framing violations. These building inspectors performed inspections without evidence that prior required inspections were conducted. For example, the building inspectors approved footings that had been poured prior to inspection.
Action Taken: Following a peer review proceeding, the officials were issued a revocation of building licenses held.

DCA Recommended Sanction: $250.00 Penalty

Example: Two construction officials failed to submit the appropriate State Training Fee forms and associated fees despite several written requests from the Department.
Action Taken: After a peer review proceeding, the officials were each issued a $250.00 penalty.

Source: Louis J. Mraw
Supervisor
Bureau of Regulatory Affairs

Playground Safety Subcode Adopted

On March 23, 1999, Governor Christine Whitman signed a new law, P, L, 1999,. c.50, which supplements the State Uniform Construction Code Act and requires the Department of Community Affairs to adopt rules governing the design, installation, inspection and maintenance of playgrounds — whether operated by governmental, private or nonprofit entities. The new law further requires that those rules incorporate the guidelines and criteria contained in the Handbook for Public Playground Safety (Publication No. 325) published by the United States Consumer Product Safety Commission (CPSC). For purposes of this law, a "playground" is defined as "an improved area designed, equipped and set aside for play of six or more children, which is not intended for use as an athletic playing field or athletic court" and includes "any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures."

Rules implementing this law were adopted by Commissioner Jane M. Kenny, effective October 18, 1999, as subchapter 11 of the Uniform Construction Code rules (N.J.A.C. 5:23-11), the "playground safety subcode." They also include amendments to existing rules concerning appeals and enforcement. A provision was added on adoption, in response to public comments received, that makes clear the relationship between the new subcode and the barrier-free recreations standards (N.J.A.C. 5:23-7.15 through 7.31).

Though the CPSC Handbook is written in advisory

("should") language, the provisions concerning design, installation, inspection and maintenance are to be treated as mandatory because P.L. 1999, c.50 contains a mandatory compliance schedule. All playground surfacing is required to comply with the CPSC standards within give years of adoption of the rules, or October 18, 2004. Governmental and for-profit entities must have all elements of their playgrounds in full compliance by October 18, 2007, while nonprofits have until October 18, 2014. Beginning April 18, 2000, all newly-built playgrounds and all newly-installed equipment must be in compliance.

Since playgrounds must be in compliance with both the new subcode and the barrier-free recreation standards, the rules modify the CPSC standards by providing that sand and gravel, even though allowed by the CPSC, are not to be used for surfacing in routes and spaces required to be accessible, since these materials are not stable, firm and slip resistant.

In accordance with P.L. 1999, c.50, no permit shall be required for any element of playground construction that is not otherwise subject to the permit requirements of the UCC. The playground safety subcode will be enforced in the same way that the barrier-free recreation standards are now enforced: DCA will be the sole enforcing agency for all matters not within the scope of a construction permit and enforcement will be on a complaint basis, following the procedure whereby a complaint first files a complaint with the facility manager, followed by a right to a departmental appeal that has gone to hearing in all the years that the barrier-free recreation standards have been in effect, and we have no reason to believe at this point that the caseload will be considerably higher under the new subcode — and certainly not until the first compliance date for retrofit requirements, which is five years from now.

Copies of the Handbook for Public Playground Safety may be obtained free of charge from the CPSC's Office of Information and Public Affairs, Washington, DC 20207. Orders can also be placed by calling the CPSC hotline at 1-800-638-2772 or visiting their website at www.cpsc.gov. Code officials can make an important contribution to playground safety by making agencies and organizations that operate playgrounds aware of the new requirements and the applicable timetables and by informing them how to obtain copies of the rules and the CPSC Handbook.

If you have any questions concerning the playground safety subcode, please call Michael L. Ticktin, Esq., DCA's Chief of Legislative Analysis, at (609) 292-7898.

Source: Michael Ticktin, Esq
Chief of Legislative Analysis
Division of Codes and Standards

Clarification of FTO-13

The intent of publishing Formal Technical Opinion (FTO) 13 was to provide a solution to the problem of fire-resistance ratings of garages. The problem was widespread and the Department was contacted by many code officials, design professionals, and builders.

It must now be pointed out that FTO-13 is not the only way to provide the required fire-resistance rating between a garage and a dwelling unit, when there is living space above the garage.

It is true that Formal Technical Opinions are binding and must be enforced. However, FTO-13 states that it provides "examples of construction practices that meet the intent of the Code requirements and should be considered as acceptable methods of providing a one-hour fire-resistance rated assembly." A listed assembly is also acceptable.

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

Source: John N. Terry
Code Assistance Unit

No More "Testing Windows"

Beginning in January 2000, there will be no more testing windows for the National Certification Program for Construction Code Inspectors (NCPCCI). The Chauncey Group, which had administered the testing program since 1996, has entered a partnership with Experior, which is the current company developing and administering the NCPCCI tests. While reviewing testing data, Experior noticed that there has been a significant reduction (approximately 20 percent) of test-takers over the past two years. Upon reflection, Experior concluded that the combination of the reduced candidate volume with a solid item base (e.g., a large pool of examination questions) means that it is possible to eliminate the restrictions on retesting and to introduce an "at will" process.

This means that a test-taker decides when he (or she) is ready. The candidate contacts Experior and gets an Agreement To Test (ATT). Then the candidate calls a Sylvan Testing Center and schedules the exam(s) desired. Upon passing the exam(s), the candidate contacts the Licensing Unit, which now has access to test results within 72 hours after the exam has been completed, and proceeds with licensure. If the candidate does not pass the exam, re-testing is possible after two weeks. If the candidate does not pass the exam the second time, there is a 90-day waiting period before testing a third time. Statistics have shown that after failing twice, significant additional study is required. This "lag time" is intended to provide extra study time to increase the odds of the candidate passing the exam the third time.

At the same time that testing windows are being eliminated, a flat fee of $96 per exam is being instituted. Computer-based testing is more expensive than paper-and-pencil testing, in part because the cost of the "seat time" is higher. The cost of seat time does not diminish when someone takes additional examinations. To make taking more than one exam at a time more affordable, beginning in January 2000, Experior will offer "linked" exams. Candidates for examinations that have been linked will receive a discounted price. There will be information regarding the linked examinations in the next Candidate Bulletin, which will be available about the time you receive this *Communicator*.

If you have questions about the NCPCCI testing program, please feel free to contact me at (609) 984-7609. If you have questions about exams and licensing please contact the Licensing Unit at (609) 984-7834.

Source: Emily Templeton
Code Development

Update Fees

You just got an application to update an open permit; now what do you do with it? If your municipality is like most, the only uniformity is that you have your own way of handling it.

An update is an extension of the original permit. Therefore, you need to check the update to see if it still conforms with prior approvals and uses. A plan review may be (but is not always) needed. Now the big question to ask yourself is, "If the change had been on the original application, would it have changed the fee?" If your answer is no, distribute the paperwork just like any permit and file the rest. Generally, when a subcode official or technical assistant is given a filled-out technical form, their first response is to "price" it. However, there are times when no additional fee is required for a permit update. Two pricing examples follow.

The first example deals with a new building for which the fee is based on the volume. If, during construction, the owner decides to add offices in an open space, there is no additional fee because the volume of the building has not changed.

The second example is electrical. If the electrician needs to add seven devices that were not on the original application, the electrical subcode official must review the original technical section to determine if an additional fee is required. The electrical fees are determined by unit rate, as indicated in the Uniform Construction Code at N.J.A.C. 5:23-4.1(c)3. The original permit and the update application are combined into one application; they are not regarded as separate permits. To be more specific, suppose the original application included 46 devices and the updated application added seven devices; this gives a total of 53 devices. Using the State fee schedule, $36.00 would have been paid on the original permit. Therefore, the update fee would be $6.00 for the three devices over 50. If the fee were allowed to be charged for additional devices independent of the total number of devices, the total fee for the update would come to $36.00, an overcharge of $30.00.

The comment I often receive from code officials is, "But I have to do another inspection!" This may be true, depending when the update occurs. Sometimes you have to do additional inspections without an update application. This may occur, for example, on a house that is being remodeled in phases because the owners are living in it; also, a large building requires numerous inspections.

Why complete an update application at all if there is no fee involved? Well, the owner may need it for insurance purposes, or the contractor may need it to get paid or to provide evidence of having completed the job. But, more importantly for code enforcement, the update ensures correct records. Accurate records allow all code officials to know what permitted work has been done in that building.

Source: Kenneth W. Verbos
Bureau of Regulatory Affairs

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Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

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In response to a request, the following article is reprinted from a 1984 issue of Codes *magazine.*

What Is the Meaning Behind the Issuance of a Certificate of Occupancy?

The Uniform Construction Code Act itself states that "the Certificate of Occupancy shall certify that the building or structure has been constructed in accordance with the provisions of the construction permit, the code, and other applicable laws and ordinances." There are three important concepts related to Certificates of Occupancy (C.O.'s) which need to be understood:

1. The law states that the "certificate of occupancy shall certify." This does not mean that the construction official or subcode officials are certifying that the structure complies. Rather, those officials issue or approve the issuance of the C.O. based on the applicant's certification that the work complies and their own inspections which are intended to check on, rather than substitute for, the owner's certification. The certification is called for at *N.J.A.C.* 5:23-2.23(h)4. It should be a part of the application for a C.O.
2. The C.O. is to be issued only if the requirements of all other applicable laws and ordinances are met. An example would be conditions imposed by a municipal planning board as a part of site plan approval. It is important to understand that the authority to decide whether or not the requirements of other laws and ordinances have been met rests with the construction official and no one else. If the other law or ordinance is enforced by some other municipal, county, or state official, then the Construction Official will ordinarily rely on the advice of that other official as to whether or not the other law or ordinance has been complied with. Final decision-making authority, however, rests with the Construction Official. Similarly, the authority to issue a Temporary Certificate of Occupancy (T.C.O.) when work required under some other law or ordinance is not fully complete rests with the Construction Official. The Construction Official should use the guidelines for T.C.O.'s established in the regulations at N.J.A.C. 5:23-2.23(g).
3. The Certificate of Occupancy constitutes permission to occupy a building for a specific use — and no more. The requirement for a C.O. was established because some control on when the use of a new building or the changed use of an existing one may legally commence. This permission is granted

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by the Construction Official and it can be withdrawn by the Construction Official because a C.O. is conditional. There are conditions which have to be met in order for a building to qualify for a certificate of occupancy. They are listed in the regulations at *N.J.A.C.* 5:23-2.24. There are also conditions which have to be met in order for a building to keep its certificate of occupancy. They are set forth at *N.J.A.C.* 5:23-2.23(i). The regulations provide that a C.O. may be revoked if the conditions for obtaining it or the conditions for keeping it are no longer met. For example, if it is found that a serious violation of the code is present which was not picked up during construction or if it is found that a required system such as a fire alarm is no longer operable, then the C.O. can be revoked. The revocation of a C.O. is a serious matter since the owner loses use of the building. It is a remedy which should not be invoked lightly, but it is important to understand that it is there.

There is one final principal related to Certificate of Occupancy which is important. It is quite common for Temporary Certificates of Occupancy (T.C.O.) to be issued. These T.C.O.'s should only be issued for a fixed period of time. It is expected that any remaining work will be completed before the T.C.O. expires. A T.C.O. can, of course, be extended for good cause. If a T.C.O. expires without all remaining work being done, then the building is being occupied without a C.O. in violation of the code. The construction official is obliged to assess penalties and take any other step as may be necessary to terminate the illegal occupancy. This holds true whether the remaining work is required by the code or required by one of the other laws or ordinances referred to by law.

The certificate of occupancy is not a certification, but a powerful enforcement tool which is there for the Construction Official to use to compel compliance with the law.

Source: William M. Connolly, AIA
Director, Division of Codes and Standards

Construction Permits in the Pinelands Area

The Pinelands Protection Act (*N.J.S.A.* 13:18A-1 et seq.) authorizes the Pinelands Commission to undertake a review of construction permits within 15 days of the date they are issued. Development cannot occur until the Pinelands Commission has issued notice that they do not need to review the construction permit. This has caused applicants confusion. It has also added to the responsibilities of construction code officials by requiring them to monitor a site and to ensure that no development occurred until the applicant received the proper notice from the Commission.

The Commission and the Department have agreed on a new process to eliminate the delay between the date on which the construction permit is issued and the date on which it may take effect. This process involves a review of the construction permit by the Commission at the same time it is being reviewed by the construction code official. From now on, the following procedure should be followed with all applications for construction permits involving activities that are also subject to the application requirements of the Pinelands Comprehensive Management Plan:

1. Complete the form provided by the Commission immediately upon receiving an application for a construction permit involving development in the Pinelands Area;
2. Fax the form to the Pinelands Commission at 609/726-0974;
3. Issue the construction permit *only if* the Pinelands has faxed you a notice indicating the development conforms with the Pinelands Comprehensive Management Plan.

Once the Pinelands Commission receives the fax in step (2), the Commission staff will perform an immediate review of the development as it is presented to the construction code official. Upon completion of the review (normally within 2 business days), the Commission will fax a notice to the construction code official indicating whether or not the construction permit would raise an issue. (If you need a quicker response from the Pinelands Commission, please call Nancy Fischer of the Pinelands Commission at 609/894-9342 and arrangements will be made.) If no issues are identified, the construction permit can be issued and immediately acted upon by the applicant.

If the Pinelands Commission advises you that the construction permit would raise an issue that cannot be resolved, it should be considered that the applicant has not obtained all prior approvals as required in *N.J.A.C.* 5:23-2.15(a)5 and *no construction permit should be issued.* If this situation arises, the Commission will send a letter to the applicant indicating that a public hearing has been scheduled to address the issues and advising the applicant that *no development can occur.*

This procedure has already been instituted by several municipalities in the Pinelands. Thousands of construction permits have been handled in this manner since the process was first developed. Applicants and construction code officials have both found it to be beneficial.

The Commission will be contacting each municipality currently not involved in this program to provide them with the appropriate fax form and to answer any questions about this process. If you have any questions in the meantime, please contact Nancy Fischer of the Pinelands Commission staff at 609/894-9342.

Source: Susan Uibel
Pinelands Commission

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Site Lighting

The Department has entered into an agreement with Public Service Electric and Gas Company (PSE&G), Atlantic Electric Company, and Jersey Central Power and Light (GPU Energy). It resolves pending litigation between the Department and the electric utilities regarding permits, codes, and inspections in connection with site lighting, sometimes called "dusk to dawn" lighting. The agreement establishes a protocol for the regulation of the installation and inspection of site lighting facilities by the utilities. The agreement includes the following provisions:

1. Site lighting facilities utilizing only metal poles having underground electrical feed located on private property are covered by the agreement. No permits or inspections are required for other types of site lighting installed, owned, and maintained by electric utilities. Other types of site lighting have been and remain subject to the Uniform Construction Code (UCC) and the National Electric Code (NEC).
2. National Electrical Safety Code (NESC) Standards (ANSI C2) shall apply to site lighting installations covered by the agreement. Training on the NESC will be made available through the continuing education program.
3. Installation of site lighting facilities by a utility shall constitute minor work in accordance with the minor work section of the UCC, *N.J.A.C.* 5:23-2.17A. Within five (5) business days following a verbal notice of a proposed installation, the utility shall mail a permit application setting forth, at a minimum, the identity of the utility, the street address and location of the site lighting facilities, the number of site lighting facilities to be installed, and a general description of the installation.
4. The permit application shall include the Electrical Technical Section (Form F120) only.
5. The utility shall pay a fee which shall be calculated at 25 percent (25%) of the customary permit fee for such installations as established pursuant to the Departmental fee schedule set forth in the UCC at *N.J.A.C.* 5:23-4.20(c)2i(2) and *N.J.A.C.* 5:23-4.20(c)2iii(1).
6. As with other kinds of minor work, upon receiving a notice, the municipality may conduct inspections of such facilities during their installation as long as the utility is not required to delay or otherwise schedule their installations to accommodate these inspections.
7. Should the inspection result in the identification of a violation of the UCC, the inspector shall notify the Department of Community Affairs, Code Assistance Unit, Post Office Box 816, Trenton, NJ 08625-0816. The inspector shall not issue a Notice of Violation or a Stop Work Order to the utility unless authorized to do so by the Department.

All questions on this issue should be directed to the Code Assistance Unit at 609/530-8793.

Source: Ashok Mehta
Code Assistance Unit

Who May Perform Lead Abatement

A State law enacted in 1993 directed the Department of Community Affairs to license lead evaluation and abatement contractors. Effective July 17, 1995, the Department enforces the "Lead Hazard Evaluation and Abatement Code," at *N.J.A.C.* 5:17.

This code requires that all testing and abatement of lead-based paint be performed by contractors who are licensed by the Department. Licensed contractors are required to employ trained licensed personnel, have a legal address and phone number, and have business insurance. Licensed abatement contractors are required to notify the Department prior to commencing abatement jobs, and their jobs are inspected by the Department to ensure that their procedures, practices, materials, and methods conform to State regulations and to protect the safety and health of any building occupants and the general public. Lead abatement work requires a permit from the local construction official and clearance testing at the end of abatement. It is finished when clearance testing shows that lead has been safely and effectively abated and a clearance certificate is issued by the local construction official.

There are only two real exceptions to the requirement for a licensed lead abatement contractor as per *N.J.A.C.* 5:17. A single family homeowner, occupying the home in question, may perform abatement; however, clearance testing may be performed only by a licensed lead evaluation contractor at the end of abatement. The purpose of this exception is to allow owners, if they so choose, to work on their own living quarters. It is not intended to allow owners to work on tenant spaces. The Department has seen this exception abused by owners who have falsely claimed to be residing in properties when they, in fact, had another legal residence, or when they evicted tenants solely to avoid hiring a licensed contractor. The Department has also seen owners falsely represent that a contractor was performing work, when, in fact, the owner performed the work. This course of action subjects the owner, and possibly the contractor, to violations and penalties.

A property owner may use the owner's own employees as long as they are trained and licensed by the New Jersey Department of Health as workers and supervisors, as is required on a lead hazard abatement project. Only employees, not independent unlicensed contractors, may be used. The purpose of this exception is to allow multi-family or institutional landlords to train or expand their existing maintenance staff to perform work under *N.J.A.C.* 5:17. Clearly, an owner who uses staff instead of a contractor, assumes more responsibility for the work.

At *N.J.A.C.* 5:17, the code covers only permanent abatement, achieved through removal, enclosure, or encapsulation, with a 20 year warranty. Cleaning, repainting, or other temporary methods are considered "interim controls," and are not lead abatement under *N.J.A.C.* 5:17. Also, while *N.J.A.C.* 5:17 covers soil cleanup where an abatement is done, soil cleanup by itself does not require a permit under *N.J.A.C.* 5:17.

Source: Chrys Wyluda, Supervisor
Asbestos/Lead Hazard Abatement Unit

Some time ago, we alerted you to industry concerns over High Temperature Plastic Vent pipe systems. In a recent development, the Consumer Product Safety Commission, along with various manufacturers, have established a recall of those products. The following article is a reprint of a press release issued by the Consumer Product Safety Commission.

Recall Program to Replace Vent Pipes on Home Heating Systems

In a landmark action, virtually the entire furnace and boiler industry together with the manufacturers of high-temperature plastic vent (HTPV) pipes have joined with the U.S. Consumer Product Safety Commission (CPSC) to announce a recall program. This program will replace, free of charge, an estimated 250,000 HTPV pipe systems attached to gas or propane furnaces or boilers in consumers' homes. The HTPV pipes could crack or separate at the joints and leak carbon monoxide (CO), presenting a deadly threat to consumers.

CO is a colorless, odorless gas produced by incomplete burning of carbon-based fuel, including natural gas and propane. The initial symptoms of CO poisoning are similar to the flu, and may include dizziness, fatigue, headache, nausea, and irregular breathing. High-level exposure to CO can cause death.

To determine whether they have HTPV pipe systems that are subject to this program, consumers should first check the vent pipes attached to their natural gas or propane furnaces or boilers. Vent pipes subject to this recall program can be identified as follows: the vent pipes are colored gray or black; and the vent pipes have the names "Plexvent," "Plexvent II" or "Ultravent" stamped on the vent pipe or printed on stickers placed on pieces used to connect the vent pipes together. Consumers should now check the location of these vent pipes. For furnaces, only HTPV systems that have vent pipes that go through the sidewalls of structures (horizontal systems) are subject to this program. For boilers, all HTPV systems are subject to this program. Other plastic vent pipes, such as white PVC or CPVC, are not involved in this program.

After checking the vent pipes, consumers should call the special toll-free number 800/758-3688, available between 7 AM and 11 PM EST seven days a week, to verify that their HTPV pipe systems are subject to this recall program. Consumers with eligible systems will receive new, professionally installed venting systems free of charge. Additionally, consumers who already have replaced their HTPV pipe systems may be eligible for reimbursement for some or all of the replacement costs.

The program came about as a result of mediation among 27 participants — manufacturers of HTPV pipes and manufacturers of natural gas or propane-fired boilers and mid-efficiency furnaces. This is the first time that CPSC has used a mediator to bring together all segments of an industry to implement a program for the benefit of consumers.

All consumers should have their fuel-burning appliances inspected each year to check for cracks or separations in the vents that could allow CO to leak into the home. In addition, CPSC recommends that every home should have at least one CO detector that meets the requirements of the most recent Underwriters Laboratories 2034 standard or International Approval Services 6-96 standard.

The following is a list of the manufacturers participating in this program.

Armstrong Air Conditioning Inc.
Bard Manufacturing Co.
Burnham Corp.
Consolidated Industries
Crown Boiler Co.
The Ducane Co., Inc.
Dunkirk Radiator Corp.
Evcon Industries Inc.
Hart & Cooley Inc.
Heat Controller Inc.
International Comfort Products Corp. (USA)
Lennox Industries Inc.
Nordyne Inc.
Peerless Heater Co.
Pennco Inc.
Plexco Inc.
Raypak Inc.
Rheem Manufacturing Co.
Slant/Fin Corp.
Thermo Products Inc.
The Trane Co.
Trianco-Heatmaker Inc.
Utica Boilers Inc.
Vaillant Corp.
Weil-McLain
Westcast Inc.
York International Corp.

Source: Michael Baier
Code Assistance Unit

Smoke Detectors and the Rehab Subcode

With the adoption of the Rehab Subcode, there have been numerous questions regarding the smoke detector requirements. As you are all aware, the rehab subcode requires smoke detectors to be installed when any work is performed on a single family dwelling. The questions have centered around the permit requirements for these devices.

Remember your training on the rehab subcode! The permit requirements have not changed with the adoption of the subcode. We did not require permits for the installation of battery operated smoke detectors prior to the adoption of the rehab subcode, and we should not be requiring permits for the installation of smoke detectors after the adoption. To further reinforce this, the Department is in the process of amending the ordinary repair provisions in *N.J.A.C.* 5:23-9.6 to include the installation of battery operated smoke detectors as an ordinary repair.

Some officials have voiced concern over this. Some feel that because there is a code requirement for these devices, a permit should be required to verify their installation. This is not the case. There are other situations in our code where requirements exist, but permits are not required. One example of this is the low flow toilets. When a homeowner replaces a toilet, a permit is not required. The toilet must comply with the code, however, and may not use more than 1.6 gallons of water per flush. If the code official discovers that a toilet has been installed recently that needs more than 1.6 gallons of water per flush, a violation notice may be issued and the owner may be required to replace the water closet with one

that complies with the code. Another analogy (this one is not a code issue, but deals with compliance and enforcement in a broader framework) is the speed limit. The law requires that we obey the speed limit. I'm sure we all do, even when we're late for an inspection. But, experience tells all drivers that police cannot enforce the speed limit everywhere every day. So, speeding is common. However, if you are caught exceeding the speed limit, you must pay the price.

It is not necessary to enforce the smoke detector requirements by requiring permits, but if you find that smoke detectors have not been installed when UCC work has been done, it is a UCC violation.

We recommend that you prepare a counter notice to inform homeowners of this provision of the code. The Department has a sample Notice being distributed at the Rehab Subcode training. This sample Notice is available; just call Code Assistance at 609/530-8793 and ask Janice White or Laura Maressa to send it to you.

Source: John N. Terry
Code Assistance Unit

Housing Demolitions: How and What to Report

Each month, the Division of Codes and Standards publishes figures from the permit and certificate reports it receives from local construction offices. The New Jersey *Construction Reporter* has statistics on a range of activities, including the number of houses authorized by permits, the number of dwellings certified, the square feet of office and retail space, and the estimated cost of construction authorized by permits. The report serves as a useful tool for policy makers, planners, business people, and others interested in economic activity and development trends. It is one of the few resources in the state with indicators available on a monthly basis for each municipality. The report is widely distributed. Every month, in addition to individual subcribers, we send approximately 70 copies to the state's network of libraries. A subscription is available for $50 per year and an annual report is included as part of the yearly subscription.

Periodically, we will provide articles to the *Construction Code Communicator* to highlight building trends or to discuss problems we encounter when we analyze the monthly reports you send us. In this article, we highlight one such problem, which concerns demolition permits. Although most construction offices do this correctly, a small number incorrectly report the loss of a housing unit (a rental or sale unit lost), when, in fact, a dwelling was not demolished. This may occur for several reasons.

There appears to be confusion about recording the removal of a building and recording the elimination of a house or apartment. The "housing-unit-lost" field on your computer screen (or column, for paper reports) refers *only to dwellings;* it does not refer to *ALL* buildings. For example, when a demolition permit is issued for an office or a store, the only time the loss of a housing unit should be reported is in these rare instances in which a house or apartment was part of the larger structure.

A related problem occurs when a demolition permit is issued for the removal of garages and oil or other storage tanks. Some reports indicate the loss of a house when only a garage or an oil tank has been removed. Other reports indicate the loss of a house when part of the house has been demolished, but the entire house has not been removed.

There is a similar tendency to classify the demolitions of garages or the removal of oil or other storage tanks as permits for residential uses, Use Groups R-2, R-3, or R-4, when, in fact, these should be identified as "U" structures (accessory structures and miscellaneous structures). When a demolition permit is issued for a Use Group U, there should be no loss of a housing unit. There are exceptions to this general rule: for example, the demolition of a garage with an apartment on top.

Another reporting problem is with demolitions of Use Group R-1, hotels, motels, and guest houses. This problem may stem from an unfortunate "glitch" in the software. We have been told that some of the the software prompts you for information on the number of housing units lost whenever you issue demolition permits for hotels and motels. In response, many of you type in the number of hotel or motel rooms demolished. This is understandable, but incorrect. Hotel rooms are not dwelling units. If you issue a permit to demolish a hotel or other structure of Use Group R-1 and the computer will not let you leave the screen until you report at least one dwelling unit lost, please give us a phone call, and we will try to help you remedy this problem. I can be reached at 609/292-7898. My E-mail address is jlago@ix.netcom.com.

Source: John Lago
Division of Codes and Standards

Rated Assemblies

Recently, people have questioned which inspector is responsible for making sure that penetrations of rated assemblies are adequately protected.

Though both the plumbing and electrical codes mention that various electrical and plumbing lines that pass through rated assemblies need to be protected, responsibility ultimately rests with the building subcode official. During the plumbing and electrical rough inspection, penetrations are often not protected because sheet rock or other fire resistance rated materials have not been installed yet. During the final inspection these penetrations are often concealed or finished to a point where the plumbing or electrical inspector is unable to tell whether the protection used is appropriate.

The building official is best able to verify that the penetration has been protected during the course of his/her inspection and is generally the most knowledgeable about matching the penetration protection to the fire resistance rated assembly.

Source: Mike Baier
Code Assistance Unit

Address/Telephone Directory

Mailing Addresses

Division Office

Division of Codes and Standards
Post Office Box 802 — Name of Unit/Office
Trenton, New Jersey 08625-0802

William M. Connolly, Director
Cynthia A. Wilk, Assistant Director

Princeton Pike Office

Division of Codes and Standards — Name of Bureau or Unit
Post Office Box 816
Trenton, New Jersey 08625-0816

Other Mailing Addresses for the Princeton Pike Location:

Division of Codes and Standards
Bureau of Construction Project Review
Post Office Box 817
Trenton, New Jersey 08625-0817

Division of Codes and Standards
Health Facilities or Education Plan Review
Post Office Box 815
Trenton, New Jersey 08625-0815

Division of Codes and Standards
Bureau of Homeowner Protection
Post Office Box 805
Trenton, New Jersey 08625-0805

Regional Offices

Northern Regional Office
#171 Route 173, Suite 107
Asbury, New Jersey 08802

Central Regional Office
Post Office Box 817
Trenton, New Jersey 08625

Southern Regional Office
301 East Blackhorse Pike, Unit 5
Williamstown, New Jersey 08094

Telephone and FAX Numbers

Division Office

Telephone

609/292-7899
609/292-7898
609/984-0040
} **Main numbers**

609/984-0040 Fiscal Office
609/292-7899 *Construction Reporter* (content)
609/530-8788 *Construction Reporter* (subscriptions)
609/292-7899 Housing Research
609/984-0040 Publications
609/292-7899 Site Standards
609/292-7898 Team UCCARS
609/292-7898 Training Fees

FAX

609/633-6729 Main Division Office FAX number

Princeton Pike

Telephone

609/530-8820 **Main number**

609/530-8857 **Bureau of Code Services (BCS)**
609/530-8812 Asbestos and Lead Hazard Abatement Unit
609/530-8798 Education Unit
609/530-8830 Elevator Safety Unit
609/530-8830 Industrialized Buildings Unit
609/530-8803 Licensing Unit

609/530-8838 **Bureau of Regulatory Affairs (BRA)**
609/530-8838 Construction Board of Appeals
609/530-8838 Investigations
609/530-8838 Municipal Monitoring
609/530-8838 Third Party Agency Monitoring

609/530-3624 **Bureau of Construction Project Review (BCPR)**
609/530-8866 Receptionist
609/633-0800 Education Plan Review
609/633-8151 Health Facilities Plan Review
609/530-8876 State Buildings

609/530-6183 **Bureau of Homeowner Protection (BHP)**
609/530-6357 Receptionist
609/530-8800 Builder Registration
609/292-4174 Landlord-Tenant (Automated Information System)

609/530-3626 **Bureau of Local Code Enforcement (BLCE)**

Code Assistance Unit (CAU)
609/530-8793 Questions on the technical subcodes of the UCC
609/530-8788 *Construction Code Communicator* (content)
609/984-0040 *Construction Code Communicator* (subscription)

FAX

609/530-8357 BCS
609/530-8357 BRA
609/530-8357 CAU
609/530-6101 BCPR
609/530-6101 BLCE
609/530-8858 BHP

Regional Offices

Telephone

908/713-0722 Northern Regional Office
609/ 530-~~5901~~ 5928 Central Regional Office
609/567-3653 Southern Regional Office

FAX

908/713-0995 Northern Regional Office FAX
609/530-6101 Central Regional Office FAX
609/704-1510 Southern Regional Office FAX

DEP Changes Its Procedures for Abandoning Underground Storage Tanks

The Department of Environmental Protection (DEP) has made a change to the way it deals with people who are abandoning the underground storage tanks regulated by DEP. Previously, an applicant would have to submit a Closure Approval Plan to the DEP. Once approved, the DEP would issue a Closure Approval. The applicant would present this closure approval to the building department when applying for a demolition permit.

DEP no longer requires a Closure Approval Plan and no longer issues a Closure Approval. Now, the DEP simply requires an applicant to submit a notice that a tank is being abandoned. This notice must be submitted 30 days prior to the date the applicant plans to do the work. The applicant is required to present a copy of this notice, which will have been stamped by the DEP, when applying for a UCC demolition permit.

Source: Mike Baier
Code Assistance Unit

The Biology of Boat Pumpouts

In biology, there is a group of organisms called protists. The interesting thing about protists is that they cannot be classified as plants or animals — they have characteristics of both. It is good to know that even a question as simple as "is it a plant or animal?" does not always have a straight answer.

Like scientists, we in code enforcement are caught up in an endless battle of trying to classify the things we encounter. We ask, "What type of project is it?", "What use group is it?", or "Does it fall under the scope of the UCC?" One of the more recent "organisms" I have heard of are boat pumpouts.

Apparently, the Federal Environmental Protection Agency has been awarding grants to marinas for boat pumpout facilities. The idea is to give boat owners a place to dispose of the waste that a long day of fishing miles away from shore can generate. This is supposed to encourage boat owners not to dump their holding tanks into the ocean. After all, no one wants to go swimming with that biohazard.

There are two main types of pumpout facilities. One connects directly to the boat's holding tank; the other has a receptor for emptying "portable potties." The question is how do we classify these systems. Are they process equipment? Are they equipment as the UCC defines the term? Are they something else?

Well, they are not related to building services, so they fail the test for equipment as defined in the UCC. They also fail the test for process equipment because there is no product being produced. So, are they UCC regulated or not? Considering that, first, there are no standards that cover this type of equipment in the UCC, and, second, another state agency (in this case, the DEP) oversees the installation of the equipment, it is not reasonable to require a construction permit for this type of equipment.

Therefore, this equipment should be treated as if it were process equipment — only the connections to the equipment from building services would be regulated by the UCC. For example, if there are water or electric connections to the equipment from the building or if the discharge from the pumpout connects to the building's drainage system, there would be UCC oversight. The electric line from the building to the pumpout and the connection of the discharge line to the building drain or building sewer would require an inspection.

Source: Michael Baier
Code Assistance Unit

Regulation of Locksmiths and Burglar, Fire Alarm, and Electronic Security Businesses

On January 8, 1998, the Governor signed a bill that requires a license to engage in the business of locksmithing or alarm services. This includes fire alarms, burglar alarms, and electronic security systems. All persons or agencies, except licensed electrical contractors, telephone utilities, and cable companies regulated by the Board of Regulatory Commissioners, that are engaged in alarm business are now required to obtain a license.

The law provides a six-month period to promulgate rules. Therefore, the provisions of this new law will not take effect for at least six months. In the meantime, code officials are advised that proof of licensure is not required to undertake fire alarm work. More information will be provided when it is available.

Source: Ashok Mehta
Code Assistance Unit

Code Citations Decoded

I can't tell you how many times I get calls from architects and contractors asking if a code official is required to provide a code citation for a plan review rejection comment. The answer simply is **YES**.

N.J.A.C. 5:23-2.16(a), Construction permits — procedure, states, "If the application is denied in whole or in part, the enforcing agency shall set forth the reasons therefor in writing." An applicant has a due process right to question a rejected item. The applicant's due process right entitles him/her to know what specifically has been violated. Therefore, written comments MUST be accompanied by the appropriate code citation. This provides the applicant the ability to appeal a rejection. Also, remember the code citation must be accurate and complete.

If you can't find an applicable code section, you can't cite the item as a violation.

Source: Gerald Grayce
Bureau of Regulatory Affairs

Special Purpose Personnel Elevators (ASME A17.1, Part XV) — Inspection Frequencies and Replacement of Safeties

The Elevator Subcode Committee recommended that an article be written to clarify how replacements of the safeties on Special Purpose Personnel Elevators affect the cyclical inspections and tests.

Special Purpose Personnel Elevators are subject to routine, periodic, and acceptance inspection/test requirements including those for a load test every fifth year (ASME A17.1, 1010.6). It was brought to our attention that some of the manufacturers of Special Purpose Personnel Elevators require replacement of safeties every three years. As per regulations, such work requires a permit and a load test (the "five-year" test) witnessed by the elevator subcode official prior to the device's approval.

According to *N.J.A.C.* 5:23-12.9(f)1ii, the date of the approval of an existing elevator under a permit shall not change the existing cycle of inspections and tests, except the elevator shall not be subject to the "five-year" test before it is due, as long as the acceptance test performed under the permit was a "five-year" test. Therefore, when replacement of the safeties and the full "five-year" test are done under a permit at intervals less than every 5th year, the elevator remains subject to the applicable cyclical inspection/tests, except for a cyclical "five-year" test.

Source: Paulina Caploon
Elevator Safety Unit

Elevator Records Management 106

When the Department of Community Affairs conducts reviews of elevator records, one of the elements checked is the elevator fees in the municipal ordinances. In a significant number of towns, such fees are absent. In other cases, the fees are obsolete. There is a revised fee schedule being used, but the ordinance has not been updated. The ordinance must be updated for the revised fee schedule to be effective. The fees for elevator plan review must be included in the ordinance.

Municipalities should make a best estimate as to the costs attendant with Elevator Subcode management and calculate fees accordingly. No matter what the fees are, all categories outlined at *N.J.A.C.* 5:23-12.6(a) and (b) must be present in the fee ordinance pursuant to *N.J.A.C.* 5:23-4.18(g)3, even if all types of devices listed in the rule are not represented in existing buildings.

A significant number of towns charge the Department's fees. When this is the case, fees in the municipal ordinances may be a duplication of the fees in *N.J.A.C.* 5:23-12.6. A simple approach would be to cite the fees by reference.

You are reminded that when a municipality changes the enforcement of the Elevator Subcode from third party to local, the administrative fee may no longer be charged. Therefore, the fee ordinance must be amended accordingly.

Please address any and all pertinent questions to me at 609/530-8833.

Source: Phil van Leeuwen
Elevator Safety Unit
Bureau of Code Services

For the benefit of the code officials and builders, the following article is reprinted from The Code Authority, *Volume Six, Number One, 1997 .*

The World of Difference Between UL 'Listed' and UL 'Recognized'

Listing vs. Recognition, What's the difference?

A product is UL Listed if the UL Listing Mark is on the product, accompanied by the manufacturer's name, trade name, trademark or other authorized identification.

A UL Listing Mark on a product is always composed of four elements: the "UL in a circle" Mark, the word "LISTED" in capital letters, an alpha-numeric control number, and the product name, (e.g., "toaster" and "portable lamp"). Sometimes the UL file number is used as company identification. The UL Listing Mark on a product is the manufacturer's representation that samples of that complete product have been tested by UL to nationally recognized Safety Standards and found to be free from reasonably foreseeable risk of fire, electric shock and related hazards and that the product was manufactured under UL's Follow-Up Services program.

Let's assume, for example, you are looking at the installation of a spa in a health club. If you can locate a nameplate marking on the spa with the complete UL Listing Mark and the other information noted above, the spa, the "end-product," meets the requirements outlined in UL 1563, Electric Spas, Equipment Assemblies and Associated Equipment.

If you do not find a UL Listing Mark on the product, you may find, on closer examination, that some of the individual components in the spa — such as the pump, control, heater or filter — have the UL Recognized Component Mark. And some manufacturers may claim that because the components are UL Recognized, the product in which they're assembled meets all the necessary requirements. But that's not necessarily the case, because the UL Recognized Component Mark means that the component alone meets the requirements for a limited, specified use. Remember, the complete UL Listing Mark and related information on the product indicate the spa (or other end-product) is UL Listed.

UL's Component Recognition Service covers the testing and evaluation of component products that are incomplete or restricted in performance capabilities. These components will later be used in complete end-products or systems Listed by UL. UL's Component Recognition Service covers millions of components, such as plastics, wire and printed wiring boards, that may be used in either very specific, or a broad spectrum of end-products, or

even components such as motors or power supplies. These components are not intended for separate installation in the field—they are intended for use as components of complete equipment submitted for investigation to UL.

Component/end-product compatibility is the critical link between certification of a component and certification of the end-product in which the component is used. Use of UL Recognized Components in a spa (or any other product) does not mean the spa itself is UL Listed.

If you're unsure of the exact meaning of a given UL certification (Listing or Recognition), look in the appropriate UL Product Directory for information about a specific product certification and marking information. For example, the Swimming Pool and Spa Equipment category (WABX) begins on page 505 of the 1997 Electrical Construction Equipment Directory. The Directory will also explain any limitations and the extent of UL's evaluation in the information section preceding each product category.

If you've exhausted your information sources, here are some ways we can help. If you have the product name and catalog number, part number or system designation, call UL's Data Services in Melville, N.Y., at 516/271-6200, ext. 22897. ULDS will help find the UL category for the product in question. If you need to verify a Listing or find a file number for a product bearing a UL Mark, call 847/272-4909, or the Client Relations staff at the UL office nearest you — in Northbrook, Ill., 847/272-8800, ext. 42396; in Santa Clara, Calif., 408/985-2400, ext. 32279; in Melville, N.Y., 516/271-6200, ext. 22123; and in Camas, Wash. 360/817-5611. As always, Codes & Technical Services staff members at each UL office will help with other questions you may have concerning UL certifications, code compatibility or product installation.

Source: UL Certification Office

Guestroom Separations

During the public hearings for the pre-proposal of the 1996 model codes, one of the commenters voiced concern over the possibility of the misinterpretation of Table 602. In order to avoid confusion on this issue, the Department offered to write this article.

The point of concern centers around new text in line #5 under "Structural Element" in Table 602 of the 1996 BOCA National Building Code. The added text is the term "guestroom separations." It is the intent of this new text to require this separation in guestrooms of Use Group R-1. The commenter was concerned that this might be interpreted to require separation for a guest bedroom in an occupancy of Use Group R-2, R-3 or R-4.

I would hope that no one would make this mistake. However, to avoid confusion, apply the term "guestrooms" only to buildings of Use Group R-1.

Source: John N. Terry
Code Assistance Unit

Architects, Engineers, and Builders Rehabilitation Subcode Training

Briefing sessions are available for architects, engineers, and builders on the newly adopted Rehabilitation Subcode, *N.J.A.C.* 5:23-6. This briefing session is Course Number A187 and is offered by the Department of Community Affairs, Bureau of Code Services, Education Unit.

The cost of the briefing session is $75.00 for unlicensed persons. Participants will receive a copy of the Rehabilitation Subcode. The seminar is scheduled from 8:30 A.M. to 3:30 P.M. Lunch is not included. Please share this information; this form may be reproduced.

This is a MAIL-IN registration. Checks must be made payable to "Treasurer, State of New Jersey." Because these briefings are expected to be heavily subscribed, you must indicate both a first and second choice of dates. You will be sent a confirmation approximately ten (10) days before the briefing. Space is limited, so please register early. If you have any questions regarding this announcement, please call us at 609/530-8798.

Several training sessions have been held. The sessions remaining on the calendar are:

5/12 Toms River, Holiday Inn

6/17 Mt. Laurel, Mt. Laurel Fire Dept.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Code Services

Rehabilitation Subcode Briefing Registration Form
(Course #A187)

Name _____

Address _____

_____

Phone: Home _____ Bus. _____

FAX: _____

Date _____ Location _____ (1st Choice)

Date _____ Location _____ (2nd Choice)

I am an Architect Engineer Builder (Please circle)

Other (Specify) _____

Enclose a check for $75.00 made payable to **Treasurer, State of New Jersey**. Return this registration form to:

Department of Community Affairs
Bureau of Code Services — Education Unit
P.O. Box 816
Trenton, New Jersey 08625-0816

The following article is reprinted from Codes *magazine (Volume 22, Number 2), with permission.*

Construction Officials and Hazardous Conditions

The phone call that changed my plans for the next ten months seemed like a joke when I received it.

The man on the phone complained, "We can see light in the grill in the wall and we can smell what our neighbors are cooking." We took the man's phone number and address with the intention of checking the block and lot file and then doing the investigation/inspection. After viewing the block and lot file, I called the man back and told him that the building had been given a Certificate of Occupancy ten years ago. He told me that he had moved in about five months ago and he was not the original owner. The following week, I conducted an inspection and discovered that this condominium unit had a common wall with common cold air returns that allowed residents to take the grill off in each unit and shake hands.

Additionally, what was supposed to be a one hour rated separation wall was constructed like no approved rated assembly known to code enforcement. Other deficiencies in the fire resistant construction included: no separation in the attic space and penetrations of all sizes in the separation walls and the floor/ceiling assemblies. All these deficiencies could have contributed to a fire racing through the building from one condo unit to the next in less than the designed one hour. This, in turn, could have prevented the occupants from getting out and definitely would not have allowed the fire service enough time to respond and put out the fire in the unit of its origin.

So, I contacted the original builder and set up a meeting. We sent Violation Notices to the builder and prepared a list of the violations in the original construction. In the meeting, the builder said that the buildings had been CO'd ten years ago and that the inspectors had approved the construction; why bring this up now? My answer was, "The Certificate of Occupancy is conditional and may be revoked if the conditions for obtaining it or the conditions for keeping it are no longer met." That means when a violation exists in the original construction, the local enforcing agency is required to take action to resolve the problem. I limited the violations to life safety violations, remembering that all the units were occupied. Finally, 210 Notices of Violation and Penalty Orders were issued, compelling reasoning was given, so the builder, his architect, and my staff began to address a plan to repair the violations.

After months of revisions, the repair plans were approved and permits issued. I set a timetable of six months for the work to be completed. The Homeowners Association wanted our office to address 24 other non-life safety items while correcting the fire resistant deficiencies; we declined. The Homeowners Association sued and sought a restraining order. The Superior Court Judge took testimony from the Fire Marshall and myself and ordered that the work be completed in 30 days. That meant that 210 occupied units had to be entered, walls opened, corrective work done, and inspections completed. Well, the work was completed in 30 days.

The point of this story is: when a deficiency in a life safety building item, such as fire resistant construction, is brought to the attention of the construction official, it is his responsibility to take the appropriate action to restore the protection that the building was originally designed to have.

The Bureau of Regulatory Affairs will help a construction official who encounters such a problem; I know because they have helped me on many occasions. The Bureau of Regulatory Affairs also has a responsibility to ensure that construction officials take action when violations like these are brought to their attention. Construction officials who take no action after being made aware of these violations expose themselves to disciplinary action by DCA. DCA should be perceived as the resource of choice and not as an antagonist. Every construction official, along with the DCA, should be concerned with abating the hazardous condition.

Source: Ronald E. Estepp, CBO
Construction Official

New Jersey Register Adoptions

Date: January 5, 1998

Adoption: 30 *N.J.R.* 129(a), 193(a) and 194(a) Adopted amendments: *N.J.A.C.* 5:23-2.16 and 2.17; 4.20.
Adopted new rule: *N.J.A.C.* 5:23-6.

Summary: *N.J.A.C.* 5:23-2.16 and 2.17 The Bureau of Water Allocation in the Department of Environmental Protection asked the Department of Community Affairs to revise the procedures in the Uniform Construction Code concerning the reporting of abandoned wells. These amendments delete the requirements at *N.J.A.C.* 5:23-2.16(k) so that no notification of DEP is required when a water supply is changed from a private well to a public supply. A referral is required per *N.J.A.C.* 5:23-2.17(b)2 when a well is abandoned in connection with a demolition project.

N.J.A.C. 5:23-4.20 As a result of this amendment, A-5 structures are included in the Department fee schedule at *N.J.A.C.* 5:23-4.20(c)2i(1). The basis for fee calculation is the volume enclosed underneath such structures (not the open dome).

N.J.A.C. 5:23-6 Subchapter 6 of the Uniform Construction Code (UCC) is the Rehabilitation Subcode. There are companion amendments at *N.J.A.C.* 5:23-1.1, 1.4, 2.2, 2.3, 2.4, 2.5, 2.6, 2.14, 2.15, 2.17A, 2.19, 2.21, 2.23, 3.3, 3.4, and 3.6. These amendments consist of administrative changes to the UCC rules that are necessary to provide consistency with the Rehabilitation Subcode.

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit

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NOTICE: Control Persons Associations

It has been three years since the formation of the first control persons association in New Jersey, namely, the Control Persons Association of Bergen/Passaic County. We have grown from 24 members to nearly 80 and the changes do not stop there. Our name will be changed to the Technical Assistants Association of Bergen/Passaic County, but you still do not need to hold the title of Technical Assistant to be a member of our, or any, technical assistant association.

If you work in a construction code office and perform the duties of a technical assistant/control person, you are eligible for membership. If you are not a member of an association, we encourage you to join. These associations have proved to be an important vehicle of sharing experiences, information, procedures, and promoting the sense of professionalism required for this position. There are now five associations and others are being organized at this time.

We need you to become involved to strengthen the pursuit of recognition for the importance of the work that we perform and to support our determination to achieve certification through education. Please call one of the following associations today:

Technical Assistants Association of Bergen/Passaic County
Linda Aiello, President 201/666-0462

Monmouth/Ocean Technical Assistants Association
Lynn Mizer, President 732/446-4429

Northwest Jersey Control Persons Association
Dawn Neil, President 908/879-5361 x3003

South Jersey Association of Technical Assistants
Kathy Franzoi, President 609/794-4113

Union County Control Persons Association
Debbie Timko, President 908/665-1098

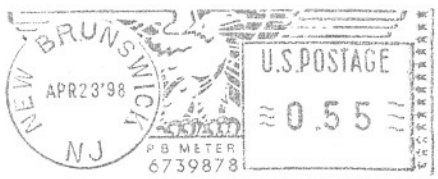
If there is no association for your county, you may join the nearest association or, if you are interested in starting one, just call me for a packet of information on how to begin. I will be more than happy to help get you started.

I would also like to announce the formation of the New Jersey State Association of Technical Assistants. The Association can be contacted through Linda Aiello, Liaison for the Association, at the number above or mail addressed to NJATA, c/o Linda Aiello, 350 Hudson Avenue, Township of Washington, NJ 07675. We will be hosting a meeting at the Building Safety Conference in May and would love to see you there!

Call your nearest association for details.

Source: Linda Aiello
President, TAABPC

THE STATE UNIVERSITY OF NEW JERSEY
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FIRST-CLASS MAIL

Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 10 Number 2 *Summer 1998*

Building Safety Conference of New Jersey 1998

The 17th Annual Building Safety Conference was held on May 13, 14, and 15 at Bally's Park Place, Atlantic City. It was a very successful event. Over 600 inspectors and technical assistants participated in 22 educational seminars on Thursday and Friday. The third annual golf outing was well received on Wednesday. It included a continental breakfast and a picnic lunch. It was a little chilly, and windy, too, but the golfers had a good time.

Wednesday evening, the Crackerbarrel round table discussions were held on 37 different topics. At Thursday's luncheon recognition was given to:

Building Inspector of the Year — Philip Wolski
Electrical Inspector of the Year — Andre Cartal
Fire Inspector of the Year — Arthur Londensky
Plumbing Inspector of the Year — Charles Douches
Elevator Inspector of the Year — Peter Tropiano
Technical Assistant of the Year — Linda Aiello

The luncheon was attended by the inspectors and their invited guests, instructors, and Department of Community Affairs staff. Awards were presented by William M. Connolly, Director of the Division of Codes and Standards, and the association presidents.

A reception was held on Thursday evening honoring the award recipients. The event was sponsored by all of the associations.

At the conclusion of the conference, a name was selected from all the name badges returned. Congratulations go to Walter J. Lacey of Middletown. He will receive a free registration to the 1999 conference, which will be held again at Bally's Park Place on April 28, 29, and 30, 1999.

Overall, the comments received were supportive of the event and new location. Many were pleased with the sit-down breakfast offered each morning — no standing in line! As always, your suggestions are appreciated. We hope your expectations of the conference were met and we look forward to seeing you next year.

Source: Susan McLaughlin
Supervisor, Education Unit

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Grounding at a Detached Building or Structure

There appears to be confusion in the field about the grounding requirements where two or more buildings or structures are supplied from a common alternating current (a.c.) service. This article aims to eliminate confusion by providing guidelines about how to comply with the applicable provisions of the National Electrical Code (NEC) with regard to grounding requirements at a building or structure when the electrical power is supplied from another building or structure that is under the same management.

The main rule, at Section 250-24(a) of the NEC-96, requires that each building or structure, whose power source is supplied from a common a.c. service by a feeder or more than one branch circuit, shall have a grounding electrode (as described in Part H of the Article 250), connected to the metal enclosure of the building or structure's disconnecting means. This rule further establishes specific conditions in which the grounded circuit conductor is required to be connected to the grounding electrode in a detached building on the same premises, as stated below:

1. Exception #1 to Section 250-24(a) covers the situation where the detached building or structure contains only one branch circuit that supplies **equipment not requiring grounding.** A grounding electrode is not required in the detached building under these conditions. This situation, though rare, can be encountered where a single-branch circuit supplies a lighting fixture located in a detached garage equipped with a snap switch which serves as a disconnecting means in accordance with the exception to Section 225-8(c).
2. The first part of exception #2 to Section 250-24(a) covers the situation where the detached building or structure contains **only one branch circuit** serving equipment that may require grounding. When the detached building is supplied by a **four-wire feeder** (a metal raceway may act as the fourth wire), the first part of exception #2 to the Section 250-24(a) requires that: (1) the neutral bus must be isolated and the equipment grounding conductor must be bonded to the metal enclosure of the disconnecting device and (2) must also be bonded to the existing electrode, if any, by a grounding conductor. The grounding conductor must be sized in accordance with Table 250-95 based on the rating of the overcurrent device protecting the ungrounded conductors of the feeder. When there is no electrode, a new grounding electrode system is **not** required in the detached building. When a detached building or structure is supplied by a **three-wire single branch circuit** from the other building, the first part of exception #2 to Section 250-24(a), requires the equipment grounding conductor to be bonded to the metal enclosure and to the existing electrode, if any, in the detached building. If none exists, **no** new electrode is required to be installed. Either wiring method allowed by the first part of the exception #2 is acceptable. Each separate building or structure is required to have a disconnecting means as outlined in Section 225-8.
3. The second part of exception #2 to the Section 250-24(a) covers the situation where the detached building or structure is supplied by a **four-wire feeder** serving **two or more branch circuits.** In this situation, the neutral bus is required to be **isolated** and a grounding electrode is **required.** An existing electrode, if any, must be bonded to the equipment grounding conductor by a grounding conductor sized in accordance to Table 250-95 based on the rating of the overcurrent device protecting the ungrounded conductors of the feeder. Where no electrodes exist, a new grounding electrode **shall be provided** in the detached building or structure.
4. The third part of exception #2 to the Section 250-24(a) requires an equipment grounding conductor in underground feeders to be **insulated or covered copper** when supplying buildings house **livestock**. This requirement is added to minimize the stray voltages in the earth to which livestock are very sensitive.
5. Where the detached building is supplied by a **three-wire feeder**, requirements of the Section 250-24(a) are met by providing a grounding electrode system in the detached building and by bonding the neutral bus to the subpanel equipment grounding bus and metal enclosure, as is done in the case of service equipment. Although the NEC does not prohibit the use of metal raceways for this wiring method, metallic raceways should not be used to enclose the feeder circuits to prevent the flow of objectionable currents over metal raceways, which are bonded at both ends to, and are electrically parallel with, the neutral conductor contained within. This will help ensure compliance with Section 250-21, which requires installation that will prevent the flow of objectionable currents. Where an equipment grounding conductor is not run to the detached building or structure with the feeder, the grounded circuit conductor of the feeder shall be connected to the grounding electrode installed in the detached building. The size of the grounded conductor to the detached building shall not be smaller than the size specified in Table 250-95 for equipment grounding conductors in order to have the capacity to conduct safely any fault current.

It is recommended that the feeder conductors arriving at the second building or structure be treated as service entrance conductors. The provisions of Section 225-8, which require installation of

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the disconnecting means listed as suitable for service equipment at each separate building under single management, support this recommendation. Electrical subcode officials are reminded that it is the option of the designer to choose either a three-wire feeder or a four-wire feeder for such installations. Electrical inspectors must first ensure that the grounding of electrical wiring systems, circuits, metallic raceways, noncurrent-carrying materials and equipment is installed and arranged to prevent the flow of any objectionable current over the grounding conductors. Second, electrical inspectors must ensure that the installation meets the applicable rules of the NEC, specifically those pertaining to the conditions in which the grounded circuit conductor is required to be connected to the grounding electrode in the second building.

Questions regarding this issue may be directed to me at 609/530-8793.

Source: Ashok K. Mehta
Principal Engineer
Code Assistance Unit

Homeowners Doing Their Own Electrical Work

Recently the Division of Codes and Standards received a copy of a letter addressed to all Construction Officials from the Board of Examiners of Electrical Contractors relating to homeowners applying for construction permits to perform electrical work in their own homes. This article is to correct any misconceptions that may exist as a result of that letter and is to clarify the Division's position.

When homeowners apply for construction permits to perform electrical work in their own homes, construction code officials should not question these individuals as to whether they are actually going to perform the electrical work and should not predetermine that the individuals are not qualified to do the work. Upon signing and dating the application form "Certification in Lieu of Oath" and marking section "C.3.", the homeowner is submitting a written statement that he or she will actually perform the electrical work. Construction code officials may advise the homeowner of *N.J.A.C.* 5:23-2.31(b)1.iv, which allows a penalty of not more than $500 for making a false or misleading written statement and may advise the homeowner that the certification indicates that the homeowner will actually perform, and not just supervise, the electrical work. Upon inspection of the completed work, the competency of the homeowner must be verified. But, as in all cases, whether the work was performed by a homeowner, contractor, or others, it remains the inspector's burden to inspect carefully to determine compliance with the code. That burden is greater when a homeowner does his or her own work, but it is a burden that inspectors must shoulder.

Suspected violations or questions relating to electrical contractor licensure laws and regulations should be directed to the Board of Examiners of Electrical Contractors for action and response. Violations of the UCC remain under the appropriate construction code official's jurisdiction; and questions on UCC procedures should be directed to the appropriate Division staff for response.

When in doubt, call the Code Assistance Unit at 609/530-8793.

Source: Mitchell Malec
Division of Codes and Standards

Seismic Concerns for Electrical Components and Systems in New Jersey

There appears to be some misunderstanding about the applicability of the seismic requirements covered in the building subcode to electrical components and systems. All buildings assigned to Seismic Performance Category C in Seismic Hazard Exposure Group II and Group III, and those buildings in Group I that have a Performance Criteria Factor greater than 0.5, require evaluation for the seismic design of electrical components and systems (Section 1610.6 of the BOCA National Building Code 1996). Based on the contour map indicating Effective Peak Velocity-Related Acceleration Coefficient (Av) values in the various parts of New Jersey, all buildings in Group III assigned to Seismic Performance Category C require evaluation for the seismic design of electrical components and systems **no matter where they are located in the State.**

Questions should be directed to me at 609/530-8793.

Source: Ashok K. Mehta
Principal Engineer
Code Assistance Unit

Homeowner Plan Submittals

There have been several questions regarding the relationship between the "Building Design Services Act" and the "Uniform Construction Code." The one question that continues to be asked is: "A homeowner submits construction documents for his or her own residence and there is not sufficient information on the documents to verify compliance with the code for a portion of the dwelling. The homeowner does not have sufficient technical expertise to submit calculations for this portion of the project and chooses to contract with a licensed design professional to submit just the calculations needed to verify compliance for this item. Is it necessary for a design professional to assume responsibility for the complete set of construction documents?"

The answer is no. In this case, the design professional is responsible for the documents which he or she has prepared. Because homeowners are permitted to prepare all of the construction documents, design professionals should only be required to sign and seal the documents they prepared.

Source: John N. Terry
Code Assistance

Construction Data: March Highlights 1998

Introduction

Do you wonder what happens to the data you send to the Division of Codes and Standards? It is published monthly in the *Construction Reporter*, a compilation of construction statistics in New Jersey. The *Construction Reporter* contains information on housing units, retail and office space, and residential and nonresidential construction authorized by building permits. It is one of the few resources with information on each municipality that is available on a monthly basis. The following is an excerpt from the March 1998 highlights. The Division distributes the *Construction Reporter* on a subscription basis.

Information

In March 1998, the estimated cost of construction authorized by building permits totaled $649.8 million; 490 municipalities reported. Residential activity totaled $311.8 million (48 percent). Office, retail, and other nonresidential work amounted to $338 million (52 percent). March activity was $129 million more (24.8 percent) than last month's reported activity.

The City of Elizabeth in Union County led all municipalities with $108.9 million of construction. This was nearly 17 percent of the estimated cost of all work in March. A single permit accounted for nearly all of the activity, authorizing construction on the footings and foundations of a new shopping mall. The estimated cost of construction thus far is $106 million. The size of the new mall, according to the initial permit, is 807,000 square feet, but the construction official anticipates that by the time the final updates are issued, the redevelopment project will generate about 1.2 million square feet of new retail space and more than 220 stores. The estimated cost of construction authorized by this building permit was the largest, single amount reported in the three-year history of the *Construction Reporter.*

Other municipalities with a high level of activity in March were: Lakewood Township and Dover Township in Ocean County ($11 million and $10.8 million, respectively), Bridgewater Township in Somerset County ($10.4 million), the City of Rahway in Union County ($9.8 million), Piscataway Township in Middlesex

Dollar Amount of Residential and Nonresidential Construction Authorized by Building Permits

New Jersey Top Municipalities: March 1998

Rank	Municipality	County	Totals	Residential	Nonresidential
1	ELIZABETH CITY	UNION	$107,945,380	$1,945,380	$106,000,000
2	LAKEWOOD TWP	OCEAN	11,036,978	9,499,929	1,537,049
3	DOVER TWP	OCEAN	10,800,659	3,499,040	7,301,619
4	BRIDGEWATER TWP	SOMERSET	10,397,205	6,578,428	3,818,777
5	RAHWAY CITY	UNION	9,828,969	19,000	9,809,969
6	PISCATAWAY TWP	MIDDLESEX	9,458,403	2,098,151	7,360,252
7	PARAMUS BORO	BERGEN	8,849,779	1,530,326	7,319,453
8	BERNARDS TWP	SOMERSET	8,495,796	8,022,586	473,210
9	BAYONNE CITY	HUDSON	8,240,920	294,020	7,946,900
10	CRANBURY TWP	MIDDLESEX	7,320,565	1,244,065	6,076,500
11	STAFFORD TWP	OCEAN	7,069,763	3,499,179	3,570,584
12	MARLBORO TWP	MONMOUTH	7,028,824	6,351,643	677,181
13	SOUTH BRUNSWICK TWP	MIDDLESEX	6,704,668	5,064,448	1,640,220
14	MOORESTOWN TWP	BURLINGTON	6,255,834	4,616,182	1,639,652
15	MOUNT LAUREL TWP	BURLINGTON	6,170,763	3,084,160	3,086,603
16	FREEHOLD TWP	MONMOUTH	5,823,133	4,517,105	1,306,028
17	HANOVER TWP	MORRIS	5,738,152	186,062	5,552,090
18	MONTGOMERY TWP	SOMERSET	5,559,074	5,414,008	145,066
19	SPARTA TWP	SUSSEX	5,533,660	2,310,907	3,222,753
20	JACKSON TWP	OCEAN	5,435,736	4,065,981	1,369,755
	TOP MUNICIPALITIES		253,694,261	73,840,600	179,853,661
	NEW JERSEY		**$649,758,741**	**$311,806,737**	**$337,952,004**
	TOP AS % OF STATE		39.0%	23.7%	53.2%

County ($9.5 million), and Paramus Borough in Bergen County ($8.5 million). In Lakewood, over 82 percent of the estimated cost of work authorized by building permits was for new residential construction. The Township had 133 authorized housing units, more than any other municipality in March. Dover also reported $3.5 million in residential construction and 26 authorized units, as well as several permits for new schools with an estimated construction cost of $5.8 million. In Bridgewater, new housing accounted for much of the work reported ($5.5 million and 56 authorized units, second to Lakewood). In addition, the Township issued nearly two dozen permits for office construction. Over 75 percent of the work in Rahway was for new offices; the City reported two new construction permits for offices with estimated costs of $1.2 million and $6.4 million. Piscataway's construction office authorized retail work with an estimated cost of $5.1 million. In Paramus, retail activity accounted for more than three-fourths of the construction authorized.

Questions about the data should be directed to me at 609/292-7899. Information about a subscription to the *Construction Reporter* can be obtained from Laura Maressa at 609/530-8820.

Source: John Lago
Division of Codes and Standards

CABO in Flood Zone?

With the adoption of the 1995 edition, the Council of American Building Officials (CABO) One and Two Family Dwelling Code may be used for construction in flood prone areas. Previously, amendments to the CABO One and Two Family Dwelling Code in the Uniform Construction Code prohibited its use in flood prone areas. The adoption of the 1995 CABO includes amendments that allow the use of CABO in flood prone areas but require compliance with the Building Officials and Code Administrators (BOCA) National Building Code flood hazard provisions for CABO homes constructed in flood prone areas. The amendments are necessary because CABO does not address flood resistant construction. Among other things, the BOCA National Building Code 1996, Section 3107 requires that a CABO home adhere to the following requirements:

1. The flood hazard zones ("A" or "V") and the corresponding base flood elevation is determined on the basis of the most recent Flood Insurance Rate Map published by the Federal Emergency Management Agency and is included in a municipal ordinance. Code officials do not determine the applicability of the Flood Insurance Rate Map for specific properties, but do enforce flood plain construction provisions for those properties cited in the municipal ordinance as being in the flood plain.
2. "A" zones, known as flood-hazard zones, are those areas which are subject to flooding but do not encounter high-velocity waters or wave action. With some exceptions, buildings in the flood hazard zones are required to be elevated so that the lowest floor is located at or above the specified base flood elevation. The structural systems of buildings must be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to flood loads.
3. "V" zones, known as high-hazard zones, are subject to tidal influence (wave heights of more than 3 feet) or high-velocity wave run-up. The buildings in a high-hazard zone are required to be elevated so that the lowest portion of structural members supporting the lowest floor is located at or above base flood elevation specified. Of course, some exceptions apply to mat or raft foundation, piling, pilecaps, columns, grade beams, and bracing.
4. Enclosures below the base flood elevation in both "A" zones and "V" zones require special types of construction and may be used for some specific purpose.
5. Mechanical and electrical systems shall either be installed above the base flood elevation or protected from flood water.

The scope of this article is to provide a brief guideline for CABO users undertaking construction in areas prone to flooding. It is not an exhaustive list of all requirements. Complete details are contained in the BOCA National Building Code 1996. The services of a design professional may be required for flood-resistant construction, especially for the building foundation system.

Please call the Code Assistance Unit at 609/530-8793 with any questions.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

"Ponding"

WHAT IS PONDING? Ponding is the accumulation of water or the buildup of ice on a roof.

The BOCA National Building Code 1993, Section 1609.5, requires that the design professional account for loading that could be caused by the ponding of water on a roof. "All roofs shall be designed for a maximum depth of water that would pond thereon as determined by the relative levels of roof deck and overflow weir, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the possible depth of water, all primary roof drainage means shall be assumed to be blocked."

It is common to find roofs that are not pitched adequately, roof drains/drain lines that are clogged, or roof drains which are located higher than the lowest point on the roof. All these situations could lead to a roof failure if the roof has not been properly designed.

The design professional has two options in accounting for the additional loading due to ponding. One, secondary roof drainage can be provided to relieve the accumulation of water. Examples of secondary roof drainage are scuppers, overflow weirs or secondary drains. Two, the roof structure can be designed to support the water load.

Source: Marcel Iglesias
Code Assistance Unit

17th Annual Building Safety Conference



Elevator Inspector of the Year

Peter Tropiano *(center)*, Elevator Inspector of the Year, with Cynthia Wilk *(left)*, Department of Community Affairs, and John Delgrosso *(right)*, Treasurer of the Municipal Elevator Inspectors Association.



Fire Protection Inspector of the Year

Arthur Londensky *(center)*, Fire Protection Inspector of the Year, with Cynthia Wilk *(left)*, Department of Community Affairs, and John Lightbody *(right)*, President of the New Jersey Fire Prevention and Protection Association.



Plumbing Inspector of the Year

Charles Douches *(center)*, Plumbing Inspector of the Year, with Cynthia Wilk *(left)*, Department of Community Affairs, and Alexander Tucciarone *(right)*, President of the New Jersey State Plumbing Inspectors Association.

1998 Awards — The "Best of the Best"



Building Inspector of the Year

Philip Wolski *(center)*, Building Inspector of the Year, with Cynthia Wilk *(left)*, Department of Community Affairs, and Thomas Millar *(right)*, Vice President of the Building Officials Association of New Jersey.



Electrical Inspector of the Year

Andre Cartel *(center)*, Electrical Inspector of the Year, with Cynthia Wilk *(left)*, Department of Community Affairs, and Victor V. Timpanaro *(right)*, Municipal Electrical Inspectors' Association.



Technical Assistant of the Year

Linda Aiello *(center)*, Technical Assistant of the Year, with Cynthia Wilk *(left)* and Susan McLaughlin *(right)*, Department of Community Affairs.

Barrier Free Subcode Is Changing Again: Two Books Instead of Three

Remember the Background

In 1996 when the Department of Community Affairs last amended the Barrier Free Subcode (BFSC), the number of books that needed to be consulted for barrier free compliance changed from one book to three. The BFSC had been a "home grown" code, written and published "in house." With the belief that the Building Officials and Code Administrators (BOCA) National Building Code's accessibility provisions would meet the Federal Fair Housing Amendments Act (FFHAA) and the Americans With Disabilities Act (ADA) during the next BOCA code change cycle, the Department supported the movement toward a single national accessibility standard and adopted Chapter 11 of the BOCA National Building Code 1993 for scoping provisions and CABO/ANSI A117.1 for technical design standards. The sections of BOCA Chapter 11 that had not been brought up to Federal law were amended in the New Jersey Administrative Code. Well, the accessibility provisions of the 1996 BOCA National Building Code would have needed to be amended once again because some did not meet and some exceeded Federal law. So, we had to decide what to do next.

Factors Considered

We turned to concerns about scoping. We reviewed 1996 BOCA Chapter 11 in terms of what amendments would be necessary to achieve compliance with Federal law. Those amendments were substantial. Next, we identified those amendments that were needed to ensure compliance with the New Jersey Barrier Free enabling legislation. By the time we were finished, we realized that the BFSC would be clearer if we wrote the scoping provisions ourselves.

Next, we reviewed the technical standards. CABO/ANSI A117.1 is clear and familiar. Therefore, we looked to see whether there was a reason to drop CABO/ANSI A117.1. There wasn't.

Finally, we recognized that there have been "three book" complaints in every class in the Barrier Free Subcode since the adoption of the BFSC-BOCA-CABO/ANSI combination. That was a strong indication of the preference of code officials.

What Now

By the time you receive this *Construction Code Communicator* — or shortly thereafter — the amended BFSC should be published in the *New Jersey Register* as a proposal. In the proposal, BOCA Chapter 11 is deleted and replaced with scoping requirements written "in house." The scoping provisions will be at *N.J.A.C.* 5:23-7 and will meet the requirements of the FFHAA, the ADA, and the New Jersey Barrier Free enabling legislation. The technical standards will continue to be CABO/ANSI A117.1-92.

What's New

The BFSC would not have been amended solely to reduce the number of books used. There are changes in the requirements. The most substantial change is to the multifamily residential provisions. The decision of whether to provide an elevator in multifamily residential buildings with four or more dwelling units in a single structure (Use Groups R-2, R-3, R-4) will be market-driven. The BFSC will no longer **require** that elevators be installed. Instead, the BFSC will require that when an elevator is provided, all dwelling units be accessible; when there is no elevator provided, the ground floor dwelling units must be accessible. An accessible dwelling unit will continue to be one that has an accessible entrance, accessible clear floor space, and adaptable features in the kitchen and bathroom. It is expected that this change will result in the construction of more accessible dwelling units.

What's Old

Large buildings are still large buildings (i.e., more than two stories or 10,000 square feet or greater) and must be fully accessible. Small buildings are still small buildings (i.e., less than three stories and less than 10,000 square feet) and must be accessible on the entry level with accessible features on the second story. CABO/ANSI A117.1 still provides the standard for technical design and construction.

What About Questions?

Questions on the Barrier Free Subcode may be directed to John Terry or me. Questions involving CABO/ANSI A117.1 should be directed to John Terry. We each may be reached by calling 609/530-8793.

Source: Emily Templeton
Code Development

Access to Playing Fields and Accessible Recreation Equipment

Playing fields

There shall be an accessible route of travel to at least one of each type of playing field in each distinct area on a site.

Overlay field: an accessible route of travel to the primary field is required.

Complex of playing fields in a single area: an accessible route of travel to the area is required.

All permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.

Picnic Equipment & Facilities

Five percent of all picnic tables, benches, fireplaces and grills provided, but not less than one, shall be on an accessible route of travel. Such equipment shall be distributed throughout the picnic area to the degree feasible as determined by the topography of the area.

Remember, the enforcement of the Barrier Free Subcode's recreation requirements is the responsibility of the facility manager unless the work being performed requires a permit under the Uniform Construction Code.

If you have any questions, I can be reached at 609/ 530-8788.

Source: Gail R. Weikel
Code Assistance Unit

Americans with Disabilities Act Accessibility Guidelines: Play Areas

The Architectural and Transportation Barriers Compliance Board proposes to amend the Americans with Disabilities Act Accessibility Guidelines by adding a special application section for play areas. The notice of proposed rulemaking was published in the *Federal Register* April 30, 1998.

The Department of Community Affairs is in the process of reviewing the proposed regulations and evaluating any impact on the New Jersey Barrier Free Subcode. Copies of this proposal are available by calling the Access Board's automated publications order line 202/272-5434. It is also available on the Board's Internet site (http://www.access-board.gov/rules/playfac.htm).

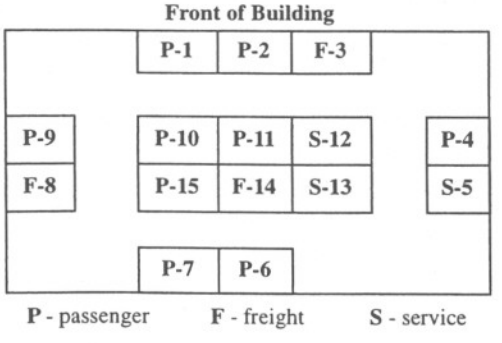
If you have any questions, I can be reached at 609/ 530-8788.

Source: Gail R. Weikel
Code Assistance Unit

Elevator Records Management 107

There was a recent incident in New Jersey where a person was trapped in an elevator. The emergency rescue squad (ERS) asked, "Which elevator?" Building management responded with an identifying number. However, because this was a large building, it contained freight and service devices in addition to passenger elevators. While trying to respond to the situation, the ERS discovered that there were several devices with the same number. Valuable time was wasted trying to discover which elevator was stopped with the passenger waiting for rescue. To prevent a repeat of this situation, a new numbering system is recommended for specific device identification.

Inside the building, face the building's main entrance. Starting with the elevator in the left corner and continuing clockwise around the building, number the devices beginning with number 1 and proceeding consecutively, without duplicating numbers, without regard for whether the elevator is a passenger, freight, or a service device (refer to schematic below). Devices in a central core could be numbered from left to right in the first echelon and right to left in the second echelon.



We recognize that elevator companies generally number devices when installed and, because of this, we recommend that this article be duplicated and made available to elevator companies. In this way, we hope that the next time an emergency occurs, rescue is aided by clear device identification numbers.

Please direct questions relating to this matter to me at 609/ 530-8833.

Source: Phil van Leeuwen
Elevator Safety Unit

Correction: Telephone Numbers Division of Codes and Standards

In the Spring, 1998 *Construction Code Communicator*, there were two errors in the list of telephone numbers for the Division of Codes and Standards. They are corrected here. The telephone number for the Atlantic City office for Casino Plan Review is also included.

Princeton Pike Bureau of Code Services Elevator Unit	609/530-8833
Regional Offices Bureau of Local Code Enforcement Central Regional Office	609/530-5928
Bureau of Construction Project Review Casino Plan Review Atlantic City Office	609/441-3679

Please make these corrections on your copy of the Spring 1998 *Communicator*.

Source: Division Staff

Meet the Newest Code Assistant

Marcelino (Marcel) Iglesias graduated from Stevens Institute of Technology in 1977 with a Bachelor of Engineering in Civil Engineering. He has been with the State since 1987, is a licensed code official with Building Subcode and Construction Official licenses, and is a certified Instructor for the Uniform Construction Code. Until recently, he was in the Bureau of Construction Project Review with the Casinos and Special Project Unit performing structural plan review. He has now joined the Code Assistance Unit as a Code Specialist. He has previous experience with large architect/ engineering consulting companies in the field of nuclear and fossil power distribution, petro-chemical and naval ships. He is an active member of BOCA International.

Marcel will answer questions on the building subcode, the rehabilitation subcode, and the Uniform Construction Code. He can be reached at the telephone number for the Code Assistance Unit, 609/530-8793.

Source: Division Staff

Medical Gas Piping

Chapter 14 of the Plumbing Subcode has always been the most mysterious chapter in the code to me. Yes, even more mysterious than Chapter 12 on venting. One question that continually comes up with respect to Chapter 14 is how to treat medical gas piping.

Chapter 14, Section 14.11 requires medical gas facilities to conform to NFPA 99. A quick overview of NFPA 99 shows that it deals with proper piping materials, proper pipe joints, protection against freezing, protection against corrosion, protection against physical damage, proper hanger spacing, and locations where pipe is permitted to be, and prohibited from being, installed. In addition, the code goes to great lengths to describe how the pipe must be cleaned and purged prior to being placed in service.

While inspectors may be able to verify that the proper materials have been installed, it is unlikely that they will be able to verify that the system is properly sized, cleaned, and purged. For these issues, it is appropriate for the inspector to rely on *N.J.A.C.* 5:23-2.20, Tests and Special Inspections. This section requires the applicant to have a qualified third party verify that the system has been cleaned and purged in accordance with NFPA 99 and is sized to meet the demand.

Source: Mike Baier
Code Assistance Unit

Swimming Pool Enclosures

As the summer arrives, it is time to consider swimming pool enclosures. It has recently been brought to the attention of the Department that several municipalities have ordinances in effect which exceed the requirements of the Uniform Construction Code. Examples of such ordinances are those which require a minimum height of five feet for the swimming pool enclosure and do not permit a wall of a dwelling to serve as part of the enclosure. Such ordinances are contrary to Sections 421.9.1 and 421.10.1 of the BOCA National Building Code, which establish a minimum height of four feet and permit the wall of a dwelling unit to serve as part of the enclosure. The 1993 BOCA National Building Code required that the door to the pool have an alarm or an approved pool covering, but that provision is being deleted in New Jersey's adoption of the 1996 BOCA National Building Code. (See companion article by John Terry)

Code officials are reminded that where a construction item, such as a swimming pool, is specified in the Uniform Construction Code, said code requirements supersede any municipal code requirements (N.J.A.C. 5:23-1.5). Municipal ordinances which conflict with the aforementioned code sections should be brought to the attention of the Department in order that these ordinances may be amended by the municipalities.

Cooperation in this area will lead to a cooler summer for all concerned.

Source: Bob Hilzer, Esq.
Bureau of Regulatory Affairs

Pool Barriers and the Code Adoption

With the adoption of the 1996 BOCA National Building Code, there will no longer be a need to put an alarm in the door from a dwelling where the dwelling unit wall serves as a part of the pool barrier. There has been some confusion as to whether the dwelling can serve as part of the barrier. It can.

Section 421.10.1 #9 is the text being deleted. This subsection of the building subcode deals only with the requirements for the door. It remains appropriate to allow the dwelling unit wall to serve as a portion of the barrier. This is reinforced by the definition of the term "Barrier" in section 421.2 which states: "A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof...."

So, remember, the barrier requirements are similar to what we are all used to, however, the door from the house is no longer required to have an alarm.

Source: John N. Terry
Code Assistance Unit

An Innovation in College Courses

Something new is happening. We are going to try our hand at distance learning. Sussex, Warren, and Morris County Colleges are offering the first Department of Community Affairs' interactive televideo course. The Building HHS course will be offered in the fall semester. With interactive video/television, the instructor and one class of students are in one location while two other classes of students are in different locations. All students and the instructor are able to converse and see each other through television monitors.

There is no extra charge in tuition for this program. To register or find out more about this course or other courses being offered in the fall semester, please call:

Sussex Co. College	Dr. Dan McElwreath 973/300-2141
Morris Co. College	Alane Sheaves 973/328-5184
Warren Co. College	Bob Casciano 908/689-7613

Source: Susan McLaughlin, Supervisor
Bureau of Code Services, Education Unit

Welcome to Our New Code Advisory Board Members

The Uniform Construction Code Advisory Board has two new members, **Vera Bacwyn-Holowinsky** and **Linda Aiello**. We would like to take this opportunity to introduce these two new members.

Vera Bacwyn-Holowinsky is a registered architect who practices in New Jersey. She has a general practice and, therefore, has experience with multiple building types. Ms. Bacwyn-Holowinsky is interested in the model codes and has a solid knowledge of their requirements. Those of us who have taught classes in the Uniform Construction Code know that her style is inquisitive, and we are confident that the Board will benefit from her active participation.

Linda Aiello is the technical assistant (formerly known as control person) for Washington Township in Bergen County. Since the members of the Code Advisory Board discuss amendments to the administrative portions of the Uniform Construction Code, Ms. Aiello's experience will provide a welcome — and needed — perspective.

Ms. Bacwyn-Holowinsky and Ms. Aiello, each of whom fills a public member seat, will join the 13 other Code Advisory Board members:

Robert Lemon, who represents municipal building officials, has been a Board member since 1984, and serves the Board as Chair;

Albert Turek, a mechanical engineer who represents licensed professional engineers, has been a Board member since 1988, and serves the Board as Vice-Chair and as Chair of the Mechanical and Energy Subcodes Committee;

Dr. Jung Cho, who represents public health officials, has been a Board member since 1980;

John Del Colle, who represents people with disabilities, has been a Board member since 1991, and serves the Board as Chair of the Barrier Free Subcode Committee;

Jon Evans, who represents the public, has been a Board member since 1997, and serves the Board as Chair of the Elevator Safety Subcode Committee;

Stephen Frame, who represents the public, has been a Board member since 1995, and serves the Board as Chair of the Building Subcode Committee;

William Lynn, who represents fire protection subcode officials, has been a Board member since 1992, and serves the Board as Chair of the Fire Protection Subcode Committee;

Robert McCullough, who represents licensed electrical inspectors, has been a Board member since 1990, and serves the Board as Chair of the Electrical Subcode Committee;

Michael Mills, who represents architects, has been a Board member since 1988;

Beth Pochtar, a structural engineer who represents licensed professional engineers (structural), has been a Board member since 1995;

Leonard Sendelsky, who represents the building industry, is a charter member of the Board;

Jim Sinclair, who represents consumers, has been a member of the Board since 1993;

Alexander Tucciarone, who represents licensed plumbing inspectors, has been a member of the Board since 1995, and serves the Board as Chair of the Plumbing Subcode Committee.

The Code Advisory Board meets on the second Friday every other month in the first floor conference room, 3131 Princeton Pike, Building 3, Lawrenceville. The meetings begin at 9:30 a.m. sharp and generally conclude by noon.

The meeting schedule for the remainder of 1998 is: August 14; October 16; and December 11.

If you need directions, call the Code Assistance Unit at 609/530-8793 or the Code Development Unit at 609/530-8788.

Source: Emily Templeton
Code Development

New Jersey Register Adoptions

Date: March 16, 1998

Adoption: 30 *N.J.R.*, 1038(a) Adopted amendments: *N.J.A.C.* 5:23-3.15.

Summary: *N.JA.C.* 5:23-3.15 The amendment at *N.J.A.C.* 5:23-3.15(b)9xii references and reproduces those sections of ANSI/NSPI-2 1992 that deal with avoiding entrapment; this is to ensure that bathers will not be entrapped by drains in spas and hot tubs. Because this amendment is part of the plumbing subcode, plumbing inspectors will ensure that all new spas and hot tubs have the required safety features.

Date: May 18, 1998

Adoption: 30 *N.J.R.*, 1777(b) Adopted amendments: *N.J.A.C.* 5:23-5.21.

Summary: *N.J.A.C.* 5:23-5.21 The amendment at *N.J.A.C.* 5:23-5.21(d)5 specifies that each licensed building subcode official or building inspector take the mandatory barrier-free subcode seminar for license renewal. Previously, only the building subcode official in each municipality was required to take this course. To require the training as a condition of licensure, rather than as a condition of employment, will make the code enforcement process more effective and efficient. The language that required seminar attendance based upon employment by a specific municipality has been deleted.

Source: Farid Ahmad, P.E.
Supervisor
Code Assistance Unit

Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 10 Number 3

Fall 1998

PEOPLE, PLACES and THINGS Moving Forward/Looking Back

1998 is a special year for me because it marks 10 years of work in the Code Assistance Unit. We all get hooked on milestones. Often we mark the milestones by reminiscing and taking inventory of where we are and where we've been. Here's a look at some of the things I've observed over the past 10 years.

1988 — building, mechanical, electrical, plumbing, and energy code enforcement, asbestos abatement.

1998 — all of the aforementioned, plus radon mitigation, lead abatement, residential site improvement standards, amusement rides, high pressure boilers, elevators, and commercial propane systems. I've always sort of half-joked that the reward in state government for a job well done is more work. I guess we've been doing O.K.

1988 — doughnuts at the seminars.

1998 — no doughnuts at the seminars — though this happened quite a while ago, people are still complaining about it. The training unit reports that there are no statistics on how this policy has affected code officials' learning.

1988 — code adoption process.

1998 — code adoption quagmire. Between 1988 and 1995, I was involved in the adoption of six different editions and supplements of the model codes, with the average time to make the changes ranging from 3 to 6 months. With the advent of the state requirement that we justify each code change, I've been involved in one code adoption that took well over a year. Can someone say "streamline?"

1988 — regional code.

1998 — national code. Ten years ago, the code had a regional following and was called a national code. Now the code aspires to a national following and is called an international code. Next will come an international code that will be called a universal code (suitable for adoption by jurisdictions from Mercury to Pluto and beyond, but only Earth code officials will be allowed to vote).

1988 — 25% - 50% rule.

1998 — rehabilitation subcode. For designers, the 25%-50% rule was the equivalent of trying to guess how many jelly beans are in a jar; the rehab code lets designers open the jar and count the jelly beans.

1988 — Code Assistance Staff — Jeff Applegate, Maria Roth and me.

1998 — Code Assistance Staff — Farid Ahmad, John Terry, Ashok Mehta, Marcel Iglesias and me. I refuse to make any comparisons on the staff of the unit; I'll leave that up to you. (I had considered doing it on looks, but have you seen the picture of John Terry that appeared with his profile in the BOCA magazine? 'nuff said.)

1988 — Blue book, 6 x 9.

1998 — Blue book, 8½ x 11. If you can answer the fol-

(Continued on page 2)

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lowing three questions, you have achieved total consciousness: 1. If a tree falls in the woods and no one hears it, does it make a sound? 2. Can God create something so heavy even he can't lift it? 3. Do the dividers in the UCC go before the last page of a subchapter or after the first page of a subchapter?

1988 — No newsletter.

1998 — The *Construction Code Communicator* has easily surpassed bulletins, FTO's and interpretations as the best way to provide information to code officials. For frustrated writers like me, it is the literary equivalent of cable access TV.

1988 — when discussing code issues with colleagues, the phrase "Chuck says...." was repeated over and over again.

1998 — the phrase "Chuck said..." is invoked. The more things change, the more they stay the same.

Source: Michael Baier
Division of Codes and Standards

When Shall I Consider Snow Drifts?

The BOCA National Building Code/1996, Section 1608.7 requires that "In areas where the ground snow load is greater than 10 pounds per square foot [see Figures 1608.3(1), 1608.3(2) and 1608.3(3)], multilevel roofs, lower roofs and decks of structures and roofs adjacent to projections shall be designed in accordance with Sections 1608.7.1 through 1608.7.4."

In the State of New Jersey, the ground snow load is always greater than 10 pounds per square foot as per Figure 1608.3(1), Ground Snow Loads for the Eastern United States of the BOCA National Building Code/1996. The map in Bulletin 94-8 in the Uniform Construction Code provides an easier reading of the isolines on the ground snow loads.

The snow drift surcharge is applicable to any adjacent lower roofs or structures sited within 20 feet of a higher structure. In BOCA/1996, consult Figure 1608.7.1 — Drifting snow on low roofs and decks. The snow drift surcharge is also applicable to mechanical equipment, penthouses, parapets and other projections above the roof. In BOCA/1996, consult Figure 1608.7.3 — Snow drifting at roof projections.

An example may help: If a new building is being constructed and there are any existing buildings with roofs lower than the roof of the new building within 20 feet of the new building, the owner of the new building (or his representative) must provide structural calculations that ensure that the roof and the main structural components of the adjoining existing building can safely support this additional loading. Note that as the distance between the buildings increases, the snow drift load decreases. When the building separation exceeds 20 feet, this requirement is no longer applicable. Section 1608.7.2 and Figure 1608.7.2 in the 1996 BOCA National Building Code provide the formulas and figures, respectively, for accounting for the drifting of snow onto adjacent low structures.

All roofs must be designed to support the greatest of the following live loads: minimum roof live loads as per Section 1607.3, rain loads as per Section 1607.5, special purpose loads as per Section 1607.6, and snow loads as per Section 1608.0. These loads are not combined to determine the roof live load, but are compared to one another and the largest one is used as the roof live load.

Source: Marcel Iglesias
Code Specialist
Code Assistance Unit

New Jersey Register Adoptions

Date: July 6, 1998

Adoption: 30 *N.J.R.* 2421(b) Adopted amendments: *N.J.A.C.* 5:23-3.11A, 3.11B, 3.14 through 3.18, 3.21 and 4A.5 Adopted new rule: *N.J.A.C.* 5:23-3.4

Summary: *N.J.A.C.* 5:23-3.4, 3.11A, 3.11B, 3.14, 3.15, 3.16, 3.17, 3.18, 3.21 and 4A.5 1996 editions of the BOCA National Building Code (*N.J.A.C.* 5:23-3.14), the National Standard Plumbing Code (*N.J.A.C.* 5:23-3.15), and the National Electric Code (*N.J.A.C.* 5:23-3.16), and the 1995 edition of the CABO One-and Two-Family Dwelling Code (*N.J.A.C.* 5:23-3.21) are adopted with amendments. The section on the assignment of responsibilities for enforcement of subcodes (*N.J.A.C.* 5:23-3.4) is restructured to make the assignment of responsibilities clearer and easier to follow. Other companion amendments are adopted for clarity and consistency.

Date: July 20, 1998

Adoption: 30 *N.J.R.* 2644(b) Adopted amendments: *N.J.A.C.* 5:23-3.16 Adopted new rule: *N.J.A.C.* 5:23-2.18B

Summary: *N.J.A.C.* 5:23-2.18B and 3.16 The new rule adopted at *N.J.A.C.* 5:23-2.18B details the code official's jurisdiction, and the permit fee for the installation of site lighting on private property by utilities. This installation is treated as "minor work" in accordance with *N.J.A.C.* 5:23-2.17A. The companion amendment at *N.J.A.C.* 5:23-3.16 permits the use of the National Electrical Safety Code (ANSI C2-1997) for such installation. This adoption is the result of a settlement agreement between the Department of Community Affairs and the utility companies.

Source: Farid Ahmad, P.E.
Supervisor
Code Assistance Unit

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Center for Government Services at Rutgers, The State University. Editor: Emily Templeton. Address changes and subscription requests may be directed to the **DCA Publications Unit, P.O. Box 802, Trenton, NJ 08625-0802.** Comments and suggestions should be sent to the **Code Development Unit, P.O. Box 802, Trenton, NJ 08625-0802.**

New Numbers

As most of you know, several offices of the Construction Code Element have moved to the Department of Community Affairs's main building at 101 South Broad Street, Trenton. To make it easier for you to communicate with us, here is a quick list of telephone, FAX and Post Office Box numbers. All units will be in the main building by the end of October.

Division of Codes and Standards
Telephone: (609) 292-7899; (609) 292-7898; (609) 984-0040
FAX: (609) 633-6729

William M. Connolly, Director
Cynthia A. Wilk, Assistant Director

Fiscal Office: (609) 984-0040
Construction Reporter (content): (609) 292-7899
Construction Reporter (subscriptions): (609)984-7607
Housing Research: (609) 292-7899
Publications: (609) 984-0040
Site Standards: (609) 292-7899
Team UCCARS: (609) 292-7898
Training Fees: (609) 292-7898

Code Assistance and Code Development:
Questions on the technical subcodes of the UCC: (609) 984-7609
Construction Code Communicator (content): (609) 984-7609
Communicator (subscription): (609) 984-0040
Construction Reporter (content): (609) 292-7899
Construction Reporter (subscription): (609) 984-7607
FAX: (609) 984-7717

Bureau of Code Services: (609) 984-7974
Asbestos and Lead Hazard Abatement Unit: (609) 984-7815
Carnival and Amusement Rides and Ski Lifts Safety Unit: (609) 292-2237
Education Unit: (609) 984-7820
Elevator Safety Unit: (609) 984-7833
Industrialized Buildings Unit: (609) 984-7833
Licensing Unit: (609) 984-7834
LP Gas Facilities: (609) 292-2237
FAX: (609) 984-7952

Bureau of Construction Project Review: (609) 984-7850
Receptionist: (609) 984-7860
Education Plan Review: (609) 633-0800
Health Facilities Plan Review: (609) 633-8151
State Buildings: (609) 984-7865
FAX: (609) 984-7956

Bureau of Homeowner Protection: (609) 984-7905
Receptionist: (609) 984-7908
Builder Registration: (609) 984-7910
Landlord-Tenant (Automated Information System): (609) 292-4174
FAX Number: (609) 984-7954

Bureau of Regulatory Affairs: (609) 984-7672; (609) 984-7768
Construction Board of Appeals: (609) 984-7672
Investigations: (609) 984-7672
Municipal Monitoring: (609) 984-7672
Third Party Agency Monitoring: (609) 984-7672
FAX: (609) 984-7718

Bureau Of Local Code Enforcement: (609) 984-7603
FAX: (609) 984-7986

Northern Regional Office
#171 Route 173, Suite 107
Asbury, New Jersey 08802
Telephone: (908) 713-0722
FAX: (908) 713-0995

Central Regional Office
Post Office Box 817
Trenton, New Jersey 08625
Telephone: (609) 633-2423
FAX: (609) 984-7956

Southern Regional Office
301 East Blackhorse Pike, Unit 5
Williamstown, New Jersey 08094
Telephone: (609) 567-3653
FAX: (609) 704-1510

Atlantic City Office (BCPR)
1300 Atlantic Ave., Suite 204
Atlantic City, NJ 08401
Telephone: (609) ~~441-7351~~ (609) 441-3679
FAX: (609) 441-7355

Mailing Addresses:
Division of Codes and Standards - Post Office Box 802
Code Assistance Unit - Post Office Box 802
Bureau of Homeowner Protection - Post Office Box 805
Education Facilities Plan Review - Post Office Box 815
Health Facilities Plan Review - Post Office Box 815
Bureau of Code Services - Post Office Box 816
Bureau of Construction Project Review - Post Office Box 817
Bureau of Regulatory Affairs - Post Office Box 818
Bureau of Local Code Enforcement - Post Office Box 817
Carnival and Amusement Ride Safety Inspection Unit - Post Office Box 808

We hope this list will be helpful to you.

Source: Emily W. Templeton
Code Development

The Wide Side

This Department has been asked several times whether gravity flow water closets are required to have the flush handle installed on the wide side. The answer is no. The old Barrier Free Subcode required the handle to be installed on the wide side for all water closets. However, since 1995, when CABO/ANSI A117.1 was adopted as the technical design standard for the Barrier Free Subcode, that requirement has applied only to flushometer water closets and has not applied to gravity flow water closets. The applicable citation is in CABO/ANSI A117.1, Section 4.17.5.

Source: Emily W. Templeton
Code Development

Rehabilitation Subcode (NJAC 5:23-6) Code Change Proposal 1999

Sections must be presented with language proposed for **deletion in brackets [ ]** and language proposed for **addition <u>underlined</u>**. Please print or type all information.

Code changes may be **mailed** to:
Code Development Unit
Department of Community Affairs
Division of Codes and Standards
Post Office Box 802
Trenton, New Jersey 08625

Code changes may be **faxed** to:
Code Development Unit
Department of Community Affairs
Division of Codes and Standards
FAX: (609) 633-6729 or (609) 984-7717

Information may be obtained from the Code Development Unit at (609) 984-7609.

For consideration, code changes must be submitted by January 15, 1999.

Section Proposed For Change (Citation): _____.
Code Change Submitted By:
NAME: _____ Organization: _____

ADDRESS: _____

_____

_____

TELEPHONE: _____ FAX: _____

E-MAIL ADDRESS: _____

_____

Proposed Code Change: _____

_____

_____

_____

_____

Supporting Statement (Reason for change): _____

_____

_____

_____

_____

_____

_____

Department of Community Affairs, Division of Codes and Standards
Rehabilitation Subcode
Code Change Proposal 1999

Summary of Technical Changes to the 1996 BOCA National Building Code for New Jersey

The purpose of this article is to provide a list of technical changes that have taken place with the adoption of the 1996 edition of the BOCA National Building Code. This is not an exhaustive list of all changes that have taken place. It is necessary to refer to *N.J.A.C. 5:23-3.14* in the Uniform Construction Code for a list of all changes, including administrative changes.

1. Section 307.8 Exception #3: Amend this exception by deleting the word "less" in the second line and replacing it with "more".

2. Section 312.1 and Table 313.1.2: Delete the text of the 1996 edition of the code and insert the text of section 312.1 of the 1993 edition of BOCA. Delete Use Group U from Table 313.1.2.

3. Section 421.10.1: Delete the text of item #9 in its entirety.

4. Table 503: Delete Use Group U from the Table.

5. Table 705.2: Delete Use Group U from the table.

6. Table 707.1: Delete Use Group U from the table.

7. Section 721.6.5: Delete the text of the 1996 edition of the code and insert the text of section 720.6.5 of the 1993 edition of BOCA.

8. Section 723.6: Delete the text of this section in its entirety.

9. Table 803.4: Delete Use Group U from the table.

10. Section 921.0: Delete the text of this section in its entirety.

11. Section 1005.5: Delete the text of the 1996 edition of the code and insert the text of section 1005.5 of the 1993 edition of BOCA.

12. Section 1005.6: Delete the text of the 1996 edition of the code and insert the text of section 1005.6 of the 1993 edition of BOCA .

13. Section 1014.6 Exception #8: Delete the text of the first sentence of this exception and insert the text of exception # 8 of the 1993 edition. Retain the text of the second sentence of the 1996 edition regarding the nosing of the stair.

14. Section 1014.6.3: Delete the text of the 1996 edition of the code and insert the text of section 1014.6.3 of the 1993 edition of BOCA .

15. Section 1014.9.1: Delete the text of the 1996 edition of the code and insert the text of section 1014.9.1 of the 1993 edition of BOCA.

16. Section 1017.1.1: Add the word "nominal" at the end of the sentence in exception #2 referring to door threshold heights.

17. Section 1021.2 Exception #1: Delete the text of exception #1 from the 1996 edition and insert the text from section 1021.2 exception #1 of the 1993 edition.

18. Section 1022.2: Delete the text of the 1996 edition and insert the text of section 1022.2 of the 1993 edition.

19. Section 1022.2.2 Exception #1: Delete the text of exception #1 in the 1996 edition and insert the text of section 1022.2.2 exception #1 of the 1993 edition.

20. Section 1022.2.4: Delete the text of the 1996 edition and insert the text of section 828.2.4 of the 1987 edition.

21. Section 1024.1: Modify this section by deleting the second sentence.

22. Section 1207.2 and 1207.2.1: Delete these two sections in their entirety without substitution.

23. Section 1210.1: Delete this section of the 1996 edition and substitute the text of sections 1210.1 and 1210.1.1 of the 1993 edition of BOCA

24. Section 1405.3.11: Delete this section from the 1996 edition in its entirety.

25. Table 1609.7(6): Delete the text of Note e in the 1996 edition and insert the text of Table 1611.7(6) Note e of the 1993 edition.

26. Section 2603.5.1: Delete this section for the 1996 edition in its entirety.

As stated previously, this is not meant to be an all-inclusive list of changes, but is provided to highlight the technical amendments of the building subcode adoption.

Source: John N. Terry
Code Assistance Unit

May I Do A Plan Review Without All The Prior Approvals?

Members of the Code Assistance Unit have been asked whether a construction office may review a set of plans prior to the issuance of all the prior approvals. The answer to this question is yes. In fact, the Department encourages code officials to review plans and specifications in these cases.

Some projects are "fast tracked," so that construction documents are completed at the same time as the prior approval process. If the permit applicant wants to take the risk associated with this process, code officials should provide the service of reviewing the plans. The original purpose of the non-refundable fee for plan review was to allow the applicant to go through the plan review process and the prior approval process at the same time. The code enforcement agency does not lose anything by doing this. The permit applicant must pay the plan review fee, therefore, even if the building is not built, the code enforcement agency is paid for its review.

One advantage of reviewing plans during the prior approval process is that there is more time for the review of complex projects. Because the time limit for the code enforcement agency to take action on the application begins when the application is complete, the plan review "clock" starts on these projects when all prior approvals have been granted. In some cases, this is reason enough to provide this service.

This does not affect the issuance of the permits. Permits may not be issued until all the prior approvals have been granted.

Source: John N. Terry
Code Assistance Unit

Access To Playing Fields and Accessible Recreation Equipment

Playing Fields

There shall be an accessible route of travel to at least one of each type of playing field in each distinct area on a site. Overlay field: an accessible route of travel to the primary field is required. Complex of playing fields in a single area: an accessible route of travel to the area is required. All permanent spectator viewing areas seating 50 or more person shall be on an accessible route of travel.

Picnic Equipment & Facilities

Five percent of all picnic tables, benches, fireplaces and grills provided, but not less than one, shall be on an accessible route of travel. Such equipment shall be distributed throughout the picnic area to the degree feasible as determined by the topography of the area.

Source: Gail R. Weikel
Code Development and Assistance

UCCARS and Y2K (Year 2000)

Many of you have asked about the impact of the year 2000 on UCCARS. I thought, Good Question! So, I decided to look at the matter closely myself. Because I'm not a computer hardware or software technician, but am a computer user, to be sure I wasn't missing anything important, I asked our original software developer for his thoughts on the matter. In the process, I reviewed a good deal of writings on the subject of computing and the year 2000, and discovered there was a lot to consider. So that you will be as informed as I now am, I'd like to share what I've learned. To make it as easy as possible for those of you who are, like me, only a user to follow along , I've divided the information into four categories: 1) your hardware; 2) our UCCARS software; 3) interface with other agency or office applications; and 4) other software you may be using in your construction code enforcement office. This is what I learned.

First, Some Background

Year 2000, also known as Y2K, issues are date-related. The traditional method of recording and storing dates, which uses two digits to represent the year, i.e. 98 for 1998, will cause calculation problems when we roll over to the year 2000. It seems the traditional use of two-digit years was caused by the cost of physical memory and disk storage in the early days of computing. At that time, developers of operating systems and application software developers opted for the two-digit date methodology to save on then-expensive memory and disk space. This method works great until the year no longer begins with the digits 19. As the century turns, systems and applications will recognize the two-digit year 00 as 1900, not 2000. This will cause some applications to shut down or generate erroneous information. Applications that perform arithmetic calculations, sort, and date field comparisons may not function at all.

Next, Your Hardware

Ensuring Y2K compliance in terms of your hardware is something you can do while the New Jersey Department of Community Affairs is working on the UCCARS software. Because UCCARS was designed to run on even the smallest and most basic of PC's, but also functions well on the bigger, faster PC's that have come along, the make, model and configuration of PC's used to run UCCARS is diverse. One thing that is the same, however, is every user's need to ensure that the computer will function in the 21st century.

> Note: If you are running your UCCARS software on a network, with regard to hardware, please let your network administrator concern him/herself with the century rollover; you may skip down to the section, entitled *Our UCCARS Software*.

If you are running UCCARS on a stand-alone PC, regardless of how new you believe your machine to be, you may still have to assist your PC with the century rollover. Most PC's will not gracefully enter the new millennium; the operative word, however, is gracefully; with a little help from you, it will probably rollover.

Why. *If you want to know why, read this paragraph. If you simply want to know how, skip to the next paragraph.* On a PC, the RTC (Real Time Clock) chip, the thing that holds the system date, will not roll the date over to the year 2000 without help. This is because of the way the date is stored in the clock chip, which keeps track of the time and date when the PC is not on. On the clock chip, the year is stored as a 2-digit value. The BIOS (that stands for *basic input-output system*) tracks the century separately through a byte in the CMOS RAM (that stands for *Complementary Metal Oxide Semiconductor Random-Access Memory*). Even though this is also located in the clock chip, it's stored separately, so the change in the RTC date won't automatically change the century, thus in effect, the century is not "maintained." Now, your PC's operating system, i.e. DOS (and Windows) also maintains the date. But both are represented differently. The CMOS RTC date is stored as yy/mm/dd, and then century separately, while the DOS date is kept as days since 1980/01/01 (don't ask me why), which is then converted to a yyyy/mm/dd date when any program asks for it. When the PC starts up, DOS gets its date from the BIOS which gets it from the CMOS RTC, and then converts it to days since 1980/01/01. DOS maintains its date as long as the PC remains on (remember, the CMOS RTC hardware maintains its date whether the PC is on or off, but it does not "maintain" the century). In the CMOS RTC, year 99 overflows to 00 and the century remains unchanged so the effective year becomes 1900; in DOS, the year 1999 overflows to 2000. So, until the PC is turned off and turned back on again, there may appear to be no problem with the rollover from 1999 to 2000; trouble lurks, however, in the CMOS RTC date, which has really become the year 1900. When the PC is powered off and on again, DOS reads an out-of-range date from the CMOS RTC (as 1900 is an out-of-range date). The date conversion algorithm calculates the incorrect date of 1980/01/04.

How. At the end of your last business day of 1999 (for most of us, that will be Friday, December 31), turn your PC off. When you come to work on the first working day after the start

of the new year, turn your PC on . . .so far it's pretty simple, right? At the DOS prompt (C:>), type DATE and press <enter>. Respond to the prompt by typing the current date (for most of us, that will be **01-03-2000** which is Monday). Your PC's clock should be okay now, of course only until 01-01-2100, but we're going to let somebody else worry about that!

TEST EVERY PC!

Because there are some PC's that will not roll over to the year 2000, even with our help as described above, it's *very important* that *everyone using a PC to run UCCARS* test that PC *well in advance.* Then, if you find that yours is one of the PC's that *won't* roll over, testing in advance will have afforded you ample time to upgrade your UCCARS PC. So, of course, the next logical question is, "How do I test my PC?" Please, read on.

How To Test

If your PC is part of a network, please contact your network administrator to ascertain your PC's Y2K compliance. If your PC is a stand alone machine, there are a number of test programs available; some are free, some are not. We used the 2000.exe program developed by NSTL (National Software Testing Laboratories), a division of McGraw-Hill. It was downloaded from New Jersey's Office of Telecommunications and Information Systems' web-site. If you do not have Internet access, but would like to use this program to test your UCCARS PC, please call and we'll put you in touch with a copy. Once you have the test program downloaded to diskette, follow these instructions.

> To test from the DOS prompt, type A:\2000 then press <enter>. If your PC runs Windows, you must exit from Windows before performing this test.
>
> Please adhere to the terms and conditions of use as expressed upon execution of the program.

Our UCCARS Software

The Problem. UCCARS was conceived in 1986 and developed in 1987; as is the case with many other products of its time, it was not developed with the year 2000 foremost in anyone's mind. As such, operational failures will occur in UCCARS due to the year 2000 century rollover.

In fact, we've already experienced the first, that of inspector license expirations. Fortunately, we all have adopted the method of temporarily entering 12/31/19 as the license expiration date to get around this failure until a fix is in place. The next failure will occur around January 1999 in System II only, as it relates to the expiration of contractor local licenses. Though very much a nuisance, this failure, like the one we've already experienced, isn't critical to operation. Happily, the first critical failure won't manifest itself until on or after July, 1999.

The Guarantee. If you simply want assurance that something is being done, read this paragraph and skip the next. The Department has taken steps to ensure that UCCARS is Y2K compliant. We have met with Municipal Information Systems, Inc., the product's original developer, and have identified areas that require attention. Between now and July, 1999, the product's critical fail date, the Department will have distributed a new Y2K compliant version of both UCCARS System I and System II.

The Details. Municipal Information Systems has conducted a thorough, systematic review of the program functions of UCCARS and has provided the DCA with its findings. If you're curious about when and how the current UCCARS software might fail, look to the detail tables at the back. Otherwise, simply continue on to the next section.

Interface With Other Systems/Applications

The area of greatest vulnerability is data interface, i.e. the sharing of data between agencies and organizations. Both agencies must convert the date field from six to eight digits before sharing occurs, otherwise the receiving computer could reject the transmission entirely, or worse, accept it, thereby incorporating into its data files data in which the fields don't match up.

The primary, and most significant, interface with UCCARS, from DCA's perspective, is with its own CARS database, which is the central repository for construction activity data in New Jersey, and its subsequent interface, on municipalities' behalf, with the US Census Bureau. The Department has already ensured Y2K compliance and coordination in this regard. Of secondary concern, however, but of equal significance, is any interface that may have been developed at the local level. As UCCARS dates, though traditionally entered as 6-digit dates, have always been stored as 8-digit dates, this should not pose a problem. If, however, your UCCARS database is accessed or used by any other data system in your town, you should alert those responsible for other systems that a fully Y2K-compliant UCCARS product will have been distributed and will be in use sometime around June, 1999.

Other Software You May Be Using

In researching this topic, to my surprise, I learned that some of the software we buy for our PCs, such as spreadsheet or word processing packages, often referred to as *shrink-wrapped software*, also have Y2K compliance issues not yet resolved. If you are using other *shrink-wrapped software* on your PC, you may get in touch with the company, either at its web-site or via its technical assistance line, to discuss possible problems, and product updates.

Also, if you have any other custom-written applications that you rely upon to keep things in your office running smoothly, please be certain to consider their Y2K compliance as well.

Conclusion

The Y2K issues with UCCARS are being addressed. Fully compliant System I and System II are planned to be released by July, 1999.

The rest is up to you. Remember: 1) Test your hardware; 2) Ensure the compliance of *shrink-wrapped* software you are using by contacting its manufacturer; and 3) Consider the compliance of any additional custom-written applications.
And, most importantly, **start now**.

Source: Berit Seiple Osworth
Division of Codes and Standards

Table 1: Y2K Failures in System I
(Derived from MIS, Inc. Analysis)

Program Function	Pre-Jan. 1, 2000 Failure	Remarks
Enter Data		
Adjustment	Yes; may vary.	If an error is made in date entry.
Miscellaneous Adjustment	Yes; may vary.	If an error is made in date entry.
Inspection Request Screen (all subcodes)	Yes; December 22, 1999	When the date inspection requested is beyond end of century.
Update Inspection Requests include Prior/Next screens	Yes; December 22, 1999	When the date inspection requested is beyond end of century.
Inspection Results	Yes; December 22, 1999	May have results stored apart from requests leaving requests remaining open.
Structure - Plan Review include Initial/Resubmittal screens	Yes; December 1, 1999	When "Due" is beyond 12/31/99
Violation/Penalty	Yes; November 1, 1999	a) Compliance Due date b) Date Notice Issued
Unsafe/Imminent Hazard	Yes; November 1, 1999	a) Demolish/Vacate/Repair by: b) Date Notice Issued c) Notify by: ___
Stop Construction Order	Yes; November 1, 1999	a) Date Notice Issued b) Compliance Due Date c) Stop Construction as of: ___
Change Program Setup		
Update Inspection Data	Yes; January 1997	License Expiration
Archive	Yes; December 31, 1999	Archive all closed permits issued on or before:
Requested Inspections	Yes; December 7, 1999	If *all* open requests are printed, they may extend 2-3 weeks into the future, crossing the century.
Overdue Inspections	Yes; December 7, 1999	If a 2-3 week future date is entered.
List of Ongoing Inspections	Yes; may vary	Fail date is dependent upon data entered in *Inspections* and *Ongoing Inspection Intervals*.
Project Plan Review Report	Yes; December 1, 1999	Because screens are printed on future dates.
Subcode Plan Review Report	Yes; December 1, 1999	Same as above.
Due/Overdue Plan Reviews	Yes; December 1, 1999	Due on or Before date may extend 1 month into future.

Table 2: Y2K Failures in System II
(Derived from MIS, Inc. Analysis)

Program Function	Pre-Jan. 1, 2000 Failure	Remarks
All listed for System I	Yes; varies.	See System I Table.
Enter Data		
Permit Screen	Yes; but only in earlier releases.	Upgrade to ver. 5.16 will preclude premature failure in this regard.
Technical Screens	Yes; January 1, 1999	Relates to the expiration of contractor local licenses.
Certificates: CC TCO TCC	Yes; July 1, 1999	Relates to expiration dates established.
Update Contractors File	Yes; January 1, 1999	Relates to the expiration of contractor local licenses.
Print Reports		
List of Open TCOs	Yes; July 1, 1999	May vary, however, based on user's request.
Data on Specific Contractor	Yes; January 1, 1999	Only in that the license expiration date appears on the report. The report itself, however, can be produced as it is not data range dependent.

Rehabilitation Subcode Amendments: Code Change Process

In order to maintain orderly and reasonable amendments to the rehabilitation subcode (NJAC 5:23-6), the Department has determined, with the advice of the Code Advisory Board, that the rehabilitation subcode will have its own code change process.

This process will begin as an annual review and will provide for both public participation and technical review by the Code Advisory Board and its subcode committees. There will be one Code Advisory Board meeting each year dedicated to hearing code change proposals and members of the subcode committees will be invited to attend that meeting. Through their committee chairs, the members of the subcode committees will provide technical advice to the Code Advisory Board, which will provide advice to the Department regarding the merit of each proposed code change. As with all Code Advisory Board meetings, the code change meeting will be open to the public.

Once all of the proposed code changes have been reviewed and evaluated, the regulatory process will apply. The proposed changes to the rehabilitation subcode will be published as a proposal in the *New Jersey Register*. A public hearing will be held during the public comment period. Once all comments have been considered, the adoption will be published in the *New Jersey Register*.

At the annual reorganizational meeting, which will be held December 12, the Code Advisory Board will set a date for the rehabilitation subcode code change meeting. The deadline for the submittal of code changes for consideration in this first annual review is January 15, 1999.

The code change submittal form is printed here as a convenience for anyone who would like to submit a code change proposal. Forms will be available from the Code Development Unit after September 1, 1998.

If you have any questions about this process, please contact the Code Development Unit at (609) 984-7609.

Source: Emily W. Templeton
Code Development

Programs Moved to DCA

The New Jersey budget for 1998-1999 included a provision to consolidate code enforcement programs that had resided in the Department of Labor and the Treasury Department in the Department of Community Affairs.

The inspection function of the Division of Building and Construction in the Treasury Department has been moved to the Bureau of Construction Project Review, Division of Codes and Standards. The Bureau Chief is Arthur Lange. Until the end of October, the unit may be reached at

Post Office Box 817
Trenton, New Jersey 08625
Telephone: (609) 530-3624
FAX: (609) 530-6101

The functions of asbestos and lead contractor licensing that were in the Department of Labor have been moved to the Bureau of Code Services, the Asbestos/Lead Unit. (See companion article in this newsletter.) The Bureau Chief is Richard Osworth and the unit supervisor is Chrystene Wyluda. After the first week of September, the lead and asbestos contractor licensing unit may be reached at

Post Office Box 816
Trenton, New Jersey 08625
Telephone: (609) 984-7815

The inspection of ski lifts and carnival and amusement rides have been moved from the Department of Labor to the Bureau of Code Services. The plan review and inspection of LP gas facilities is also included in this unit. Richard Osworth is the Bureau Chief; Joseph Palazzone is the unit chief. The unit may be reached at

Post Office Box 808
Trenton, New Jersey 08625
Telephone: (609) 292-2237

The boiler inspection program from the Department of Labor has been moved to the Housing Inspections Element; they may be reached at

Post Office Box 814
Trenton, New Jersey 08625
Telephone: (609) 632-2345

The consolidation of these enforcement programs within the Division of Codes and Standards is logical and staff is working hard to ensure that the merge is efficient and effective.

Source: Emily W. Templeton
Code Development

Unisex Toilets

Over the years, many questions have been asked about the use of unisex toilet rooms. The most recent series of questions has been attributed to the language in the rehabilitation subcode which specifically allows a unisex toilet room when it is "technically infeasible" to provide a compliant accessible toilet stall in an existing toilet facility or when it is "technically infeasible" to enlarge an existing single fixture toilet room to meet the accessibility requirements.

The question at this time is whether it is permissible to create one accessible unisex toilet room and to designate the existing single fixture toilet room as a unisex toilet room. The answer is yes, as long as the fixture count required by the plumbing subcode is met.

Technically infeasible means that it is not possible to alter the existing toilet room to meet accessible dimensions. It may be possible, however, to create one accessible toilet room. In that case, providing two toilet rooms, one of which is accessible, is a reasonable solution.

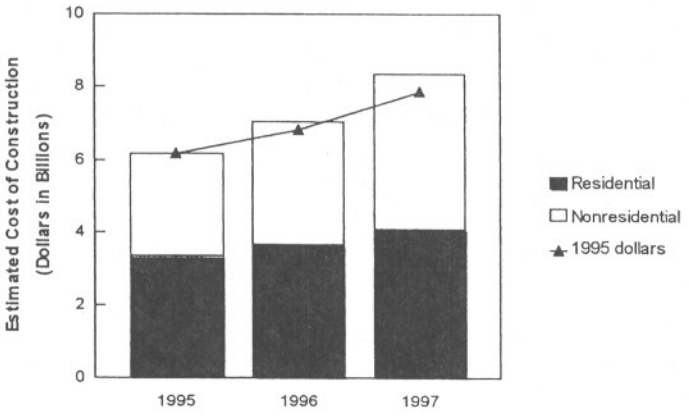
If you have any questions, please contact John Terry or me at (609) 984-7607.

Source: Emily W. Templeton
Code Development

Construction Reporter 1997 HIGHLIGHTS

The estimated cost of construction authorized by building permits totaled $8,346.5 million in 1997. This was $1,318.1 million more than last year, an increase of 18.8 percent. In real terms,assuming a three percent inflation rate for the year, construction activity grew by 15.3 percent compared to 1996. Residential work totaled $4,083 million (48.9 percent) and nonresidential activity amounted to $4,263.5 million (51.1 percent).

Estimated Cost of Construction Authorized by Building Permits, 1995, 1996, 1997



Municipalities in central New Jersey accounted for 37.4 percent of the estimated cost of construction authorized by building permits. Northern New Jersey made up another 36 percent and southern New Jersey comprised 22.1 percent. The remainder (less than five percent) consists of work on State buildings located throughout New Jersey.

Top Municipalities

Atlantic City in Atlantic County led all municipalities with $248.9 million of work authorized. Although the hotel and casino industry accounted for much of this activity, other large projects broke ground during the year, including a new public safety building, a thermal energy plant, and a minor-league baseball stadium. South Brunswick Township in Middlesex County had $29.9 million in residential construction and $74.6 million in commercial activity, which included a building permit for a new financial office with an estimated cost of construction of $40 million. Bridgewater Township in Somerset County reported $104.5 million of activity, which was evenly split between commercial and residential uses. Bridgewater authorized 570 housing units in 1997, ranking fourth among municipalities.

New housing also accounted for much of the activity in Jersey City in Hudson County, East Brunswick Township in Middlesex County, and the City of Newark in Essex County. Jersey City issued building permits authorizing construction with an estimated cost of $101.7 million. Jersey City had 536 authorized housing units (fifth among all municipalities). The estimated cost of construction in East Brunswick was $101.6 million. East Brunswick had 374 authorized housing units (17th overall). Two of the larger commercial permits issued during the year were for a new assisted-living facility and an industrial site for a natural gas utility company. Newark reported $99.7 million of construction and had 712 authorized housing units, more than any other municipality.

Most of the activity in the Town of Secaucus in Hudson County was from a single permit for a new office/mass-transit complex. The estimated cost of the structure was $73 million. New office and parking structures also accounted for much of the activity in Middletown Township, Monmouth County. Middletown authorized more than one million square feet of new office space for a telecommunications company. No other municipality authorized more new office space in 1997.

Estimated Dollar Amount of Construction Authorized by Building Permits — Top Ten Municipalities: 1997

Rank/Municipality	County	Total	Residential	Nonresidential
1 Atlantic City	Atlantic	$248,911,097	$9,992,886	$238,918,211
2 South Brunswick	Middlesex	104,490,466	29,911,253	74,579,213
3 Bridgewater	Somerset	102,025,892	50,976,025	51,049,867
4 Jersey City	Hudson	101,660,462	49,452,765	52,207,697
5 East Brunswick	Middlesex	101,637,588	61,339,689	40,297,899
6 Newark	Essex	99,709,882	44,080,855	55,629,027
7 Secaucus	Hudson	96,376,807	2,109,810	94,266,997
8 Middletown	Monmouth	87,426,978	27,417,854	60,009,124
9 Jackson	Ocean	85,098,410	67,350,944	17,747,466
10 Wayne	Passaic	83,081,516	40,897,394	42,184,122
Top Municipalities		1,110,419,098	383,529,475	726,889,623
NEW JERSEY		**$8,346,533,114**	**$4,083,041,927**	**$4,263,491,187**

Source: N.J. Department of Community Affairs

Estimated Dollar Amount of Construction Authorized by Building Permits by Region: 1997

Region	Total (in millions)	%	Residential (in millions)	%	Non-residential (in millions)	%
North	$3,004	36.0	$1,470	36.0	$1,534	36.0
Central	3,119.9	37.40	1,795.8	44.0	1,324.1	31.1
South	1,842.3	22.1	807.3	22.1	1,035.0	24.3
State Buildings	380.4	4.6	9.8	0.2	370.6	8.7
Total	**$8,347**	**100.0**	**$4,083**	**100.0**	**$4,263**	**100.0**

Source: N.J. Department of Community Affairs

New Housing

New Jersey had 30,017 authorized housing units in 1997. This was 8.8 percent more than the 27,577 authorized units last year and 17.2 percent more than the 25,603 reported for 1995. Although Newark and Jersey City ranked among the top five municipalities in terms of new housing, much of the residential activity occurred in central New Jersey. Northern and southern New Jersey accounted for 26.7 percent and 25.1 percent, respectively, of all authorized housing units, while central New Jersey accounted for 48.1 percent.

Housing Units Authorized by Building Permits
Top Five Municipalities: 1997

Rank	Municipality	County	Total	Residential	Multifamily	Mixed Use
1	Newark	Essex	712	462	248	2
2	Wall	Monmouth	593	593	0	0
3	Monroe	Middlesex	576	564	0	12
4	Bridgewater	Somerset	570	442	0	128
5	Jersey City	Hudson	536	90	446	0
	Top Municipalities		2,987	2,151	694	142
	NEW JERSEY		**30,017**	**24,814**	**4,593**	**610**

Source: N.J. Department of Community Affairs

Housing Units Authorized by Building Permits by Region: 1997

Region	Total	Percent
North	8,026	26.7
Central	14,438	48.1
South	7,529	25.1
State Buildings	24	0.1
Total	**30,017**	**100.0**

Source: N.J. Department of Community Affairs

New House Prices

Based on data from the new home warranty central registry maintained by the New Jersey Department of Community Affairs, New Jersey had 21,640 new houses that received a new home warranty in 1997. The median sales price of these houses was $190,000. The average sales price was $226,856. Bergen County had the highest median sales price ($290,000) and Cumberland County had the lowest ($113,229).

Median and Average Sales Prices of New Houses Issued a Homeowner's Warranty

Year Issued	Number of Houses	Median Sales Price	Average Sales Price
1996	20,930	$183,300	$217,564
1997	21,640	$190,000	$226,856

Source: N.J. Department of Community Affairs

Source: John Lago
Division of Codes and Standards

Testing Of Gas Piping Utilizing Gauges

The Bureau of Regulatory Affairs and the Code Assistance Unit have been receiving complaints and inquiries regarding the use of gauges for pressure testing gas piping systems. It appears that installers of gas piping need to have various test gauges to meet the demands of various inspectors throughout the state (a condition causing "non-uniform" code enforcement).

Section M-815.1 of the 1993 BOCA National Mechanical Code indicates gas piping shall be tested and inspected in accordance with NFPA 54. The 1992 edition of NFPA section 4.1.4(b) indicates that the test pressure shall be one-and-one-half times the maximum working pressure, but no less than three psig. Section 4.1.4(a) indicates "test pressure shall be measured with a manometer or with a pressure measuring device designed and calibrated to read, record or indicate pressure loss due to leakage during the test period." Therefore, an installer can use either a manometer or a measuring device such as a gauge to measure pressure loss during testing. Nothing in the wordage indicates the gauge must be as precise as the manometer. To the contrary, no details on how the gauge needs to be calibrated are given. It is stated only that the gauge must be able to indicate pressure loss due to leakage. Furthermore, to utilize a standard water tube manometer is impractical since to test at minimum pressure, which is the aforementioned three psig minimum, would require a device approximately 90 inches in height. Therefore, most installers use gauges, which brings us to our problem.

Understandably, some inspectors have a problem with an installer who utilizes a gauge with a zero to 100 psig — or higher — range that is calibrated in one pound increments and who insist on only testing with the code-compliant minimum three psig. The installer's point of view is that the gauge is calibrated to show loss and the test pressure is sufficient to satisfy the code. The inspector's point of view is based upon the premise that testing with a test pressure, such as the minimum three psig, and a gauge with a higher range is difficult to observe and may not be sensitive enough, thus resulting in an inspection that cannot be adequately performed.

In an attempt to clarify the issue, the Bureau recommends that for any test pressure of up to and including five psig, a test gauge with a maximum range of no greater than 10 psig can be used. Testing pressures in excess of five psig can be measured with gauges that have maximum ranges up to, but not exceeding, two times the testing pressure. All gauges shall be permitted to be calibrated in one psig increments in the aforementioned ranges. For example, a 15 psig test would require a gauge with a maximum range of 30 psig and be calibrated in one psig increments. Based upon this criteria, an installer and a code official has a choice to meet the requirements of the code in a reasonable fashion.

Any questions on this matter can be directed to me at (609) 984-7712 or the Code Assistance Unit at (609) 984-7609.

Source: Thomas Uber, Construction Official
Bureau of Regulatory Affairs

More Asbestos and Lead

Pursuant to an Executive Order ("Reorganization Plan No. 002-1998") from the Governor, the asbestos and lead contractor licensing functions at the New Jersey Department of Labor were transferred to the Department of Community Affairs as of May 29, 1998.

The State employees who license asbestos contractors and workers, and who inspect the work of painting contractors who work on steel structures, will move into the DCA building at 101 S. Broad St., Trenton in early September 1998. Questions about asbestos workers, contractors and steel structures can be directed to the asbestos and lead hazard abatement unit at (609) 984-7815 after the first week in September.

The Department has recodified the former DOL regulations, (N.J.A.C. 12:120) in DCA's Title 5 at N.J.A.C. 5:16. It is planned that in the future, DCA will make a more detailed revision to ensure that all the DCA regulations regarding asbestos and lead are consistent and cross-referenced where necessary.

Once all personnel are located in the same building, and the contractor, monitoring and technician programs are operating together, it is the goal of the Department to provide more unified, efficient enforcement of the code.

Source: Chrystene Wyluda
Abestos/Lead Unit

Oh Where, Oh Where Have My U Values Gone?

Anyone who has looked at the 1993 BOCA National Energy Conservation Code has undoubtedly noticed that the tables and graphs for determining the appropriate U values for walls, floors over unheated spaces, and roofs are missing.

In the 1993 code, the requirements for envelope compliance sent you to referenced standards. For commercial buildings, the values are found in ASHRAE 90.1-1989. For residential buildings, the values are found in ASHRAE 90A-1980. So it should be simple — you call ASHRAE and order copies (have your credit card ready). There is one problem, ASHRAE 90A-1980 is out of print.

So, what do you do? You can have ASHRAE photocopy the standard for $.50 a page or you can pick up your old copy of the 1990 BOCA National Energy Conservation and use the tables and graphs in it for residential compliance. You can also refer to the **Summer 1995**, *Construction Code Communicator* (Volume 7, Number 2) to find the appropriate values which were listed in an article called "What Energy Code Are We Using?"

Source: Michael Baier
Code Assistance Unit

THE STATE UNIVERSITY OF NEW JERSEY
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FIRST-CLASS MAIL

Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

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Omega Sprinkler Recall

On October 14, 1998, the United States Consumer Product Safety Commission (CPSC) and Central Sprinkler announced the recall of approximately 8.4 million Omega brand fire sprinklers that have been manufactured since 1982 by the Central Sprinkler Corporation. The CPSC alleges that Omega sprinklers are defective and, consequently, are likely to fail in a fire. Omega fire sprinklers have been installed in homes, schools, hospitals, dormitories, nursing homes, prisons, offices, hotels, and other buildings.

As part of the settlement, the Central Sprinkler Corporation has asked Underwriters Laboratories to withdraw its listing for all Omega brand fire sprinklers.

The recall of the Omega sprinklers includes the following models: C1 (or C-1); C1A (or C-1A); C-1A PRO (or C1-A PRO); C1-A PRO QR, EC-20; EC-20A; R-1; R-1A; R-1M; Flow Control (FC, Flow Control-FC); Protector-M or M Protector (Upright, Pendent, Sidewall, Sidewall EC); HEC-12; EC-12 RES; HEC-12 EC; HEC-12 EC PRO; HEC-12 ID; HEC-12 PRO; HEC-12 PRO QR; HEC-20; Prohibitor QR; and Prohibitor AC.

Central Sprinkler Corporation is offering consumers free replacement glass bulb fire sprinklers and reimbursement toward the cost of the Omega sprinkler removal and replacement. The Omega Sprinkler Recall Hotline is (800) 896-5685.

Source: John N. Terry
Code Assistance Unit

Here Comes The Periodic Inspection of Public Swimming Pools

On December 11, 1998, Governor Christine Todd Whitman signed into law P.L.1998, C.137 which requires the periodic inspection of swimming pools, spas, and hot tubs on any property other than one or two family residential property. This law also provides that no facility may be opened until a valid 'bonding and grounding' certificate and electrical certificate of compliance are issued. These provisions are intended to ensure the life safety of workers at and users of such facility. The effective date is February 9, 1999.

The required bonding and grounding certificate must verify the continuity and integrity of the bonding and grounding system of the pool. The electrical certificate of compliance must verify that all wiring located in or about the pool pump and associated electrical equipment complies with the electrical subcode.

The bonding and grounding certificate is required to be issued by a recognized electrical testing agency and is valid for five years from the date of issuance. The electrical certification of compliance is required to be issued annually by the enforcing agency upon completion of a satisfactory inspection of the facility and payment of a fee established by the enforcing agency's to cover administrative costs.

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

Source: Ashok K. Mehta
Code Assistance Unit

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Summary of Technical Changes to the 1995 CABO One and Two Family Dwelling Code for New Jersey

As a follow-up to the article in the Fall 1998 issue of the *Construction Code Communicator* on the changes made to Building Officials and Code Administrators (BOCA) National Building Code/1996, this article provides a list of the technical changes that were made to the Council of American Building Officials (CABO) One and Two Family Dwelling Code/1995. This is not an exhaustive list of the changes that have taken place with the adoption of these model codes. You must refer to *N.J.A.C.* 5:23-3.21 in the Uniform Construction Code (UCC) for a list of all the changes, including administrative changes. Technical changes follow:

1. Scoping provisions are amended to allow the use of CABO in a flood plain, provided that a BOCA foundation is constructed. Additionally, the scoping has been amended to incorporate the "habitable attic" concept into the CABO code.

2. Sections 303.4 and 303.4.1 regarding stairway illumination have been deleted in their entirety.

3. Sections 314.1, 314.2, 314.2.1 & 314.3 regarding stairways have been deleted. The text from section R-213.1 of the 1992 CABO One and Two Family Dwelling Code has been added.

4. Section 314.7 regarding illumination has been deleted in its entirety.

5. Section 315.2 regarding handrail grip size has been deleted. The text from section R-214.1 of the 1992 CABO One and Two Family Dwelling Code has been added.

6. Section 324 regarding protection against radon is deleted in its entirety.

7. Section 404.2 regarding foundation design has been deleted. The text from section R-304.4 of the 1992 CABO One and Two Family Code has been added.

8. In Section 405.1 regarding foundation drainage, the exception has been amended. The text has been deleted. The text from section R-305.1 of the 1992 CABO One and Two Family Dwelling Code has been added.

9. Section 407 regarding foundation insulation is deleted in its entirety.

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

Source: John N. Terry
Code Assistance Unit

Folding Inclined Wheelchair Lifts

The Department is aware that folding inclined wheelchair lifts have been installed on egress stairs in existing buildings, particularly in school buildings. The Department is also aware of the need to provide accessibility and, at the same time, to ensure egress. At this time, there is no technical standard for folding inclined wheelchair lifts. Therefore, if a code official is considering allowing one to be installed, a variation is required and the following issues must be addressed:

1. There should be an egress study of the building.

2. The travel distance of the folding inclined wheelchair lift should not exceed one story.

3. The folding inclined wheelchair lift must meet the provisions of ANSI A17.1 for non- attendant-operated lifts, except for the guards on the sides of the platforms, the access/exit ramps, and the hand grips, all of which shall comply with ANSI A17.1 for attendant-operated lifts. The operation of the lift shall not require an attendant.

4. The folding inclined wheelchair lift must be provided with emergency back-up power.

5. The folding inclined wheelchair lift should automatically fold into a vertical position when the individual using the device exits from it. This automatic-fold feature should also operate when the building fire alarm system is activated and when the lift is powered by emergency back-up power.

6. The safety arm that is located in front of and behind a person on a folding inclined wheelchair lift should provide a level of protection similar to that required by ANSI A17.1 for platform lifts. In the event of an emergency, the safety arm must unlock and open automatically when the folding inclined wheelchair lift reaches the designated level.

The decision as to whether a folding inclined wheelchair lift may be used to provide accessibility rests with the building subcode official. If the building subcode official determines that such a device is permissible, compliance with the applicable provisions of ANSI A17.1 rests with the elevator subcode official.

Questions concerning this issue should be addressed to the Elevator Safety Unit at (609) 984-7833.

Source: Emily W. Templeton
Code Development

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Center for Government Services at Rutgers, The State University. Editor: Emily Templeton. Address changes and subscription requests may be directed to the **DCA Publications Unit, P.O. Box 802, Trenton, NJ 08625-0802**. Comments and suggestions should be sent to the **Code Development Unit, P.O. Box 802, Trenton, NJ 08625-0802.**

New Jersey Register Adoptions

Date: September 8, 1998

Adoption: 30 *N.J.R.* 3242(a)
Adopted amendment: *N.J.A.C.* 5:23-6.18A

Summary: N.J.A.C. 5:23-6.18A The amendment pertains to the supplemental requirement for use group E. At *N.J.A.C.* 5:23-6.18A(b) 1 and 2 an "or" has been added to separate paragraphs (b)1, 2 and 3 to assure compliance with one rather than all the three paragraphs. A typographic error in subparagraph (b)4ii is also corrected.

Date: September 21, 1998

Adoption: 30 *N.J.R.* 3461(a) and 3466(a)
Adopted amendments: *N.J.A.C.* 5:23-1.1, 9.6
Adopted new rule: *N.J.A.C.* 5:23-12A

Summary: N.J.A.C. 5:23-1.1 and 12A The rule adoption at *N.J.A.C.* 5:23-12A allows qualified elevator maintenance and testing firms that are registered with the Department to perform routine and periodic inspections and witnessing of tests. The regulations provide a registration process. The new regulations make it clear that this service must be provided under a "contract of full service needs". The companion amendment at *N.J.A.C.* 5:23-1.1 references *N.J.A.C.* 5:23-12A.

Date: October 19, 1998

Adoption: 30 *NJR* 3785(b)
Adopted amendment: *N.J.A.C.* 5:23-6.18(a)

Summary: N.J.A.C. 5:23-6.18(a) The amendment pertains to the basic requirements for use group E. At *N.J.A.C.* 5:23-6.18(a), paragraph 1 for single exit requirement was inadvertently omitted. It is restored through this notice of administrative correction.

Source: Farid Ahmad, P.E.
Supervisor
Code Assistance Unit

Model Codes 1999: A Head's Up

Now that the 1996 editions of the model codes are in place (1995 edition of CABO One and Two Family Dwelling Code), the Department is being asked what will happen with the 1999 model code editions. After careful consideration, *with the exception of the 1999 National Electrical Code, the Department has decided not to adopt the 1999 model codes.*

The model code organizations are going through a cooperative process which will result in international codes published by the International Code Council (ICC). The Department believes this new international code series should be thoroughly reviewed and its impact evaluated before it is considered for use in New Jersey.

Therefore, the Department advises municipalities ***not*** to invest in the 1999 model codes.

Questions on the adoption of model codes may be directed to the Code Assistance Unit at (609) 984-7609.

Source: Emily W. Templeton
Code Development

Above Ground Pool-Barrier Alternative

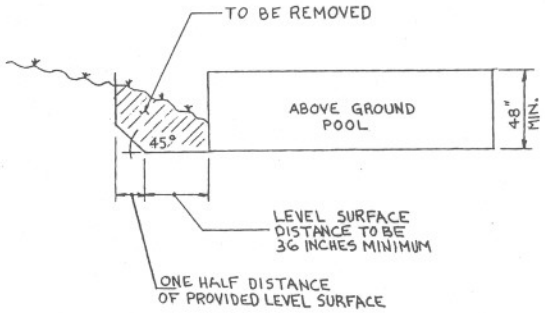
Many times, above ground pools are installed on a sloped site so that the top of the pool wall, which acts as a barrier, is below the 48 inch minimum required by section 421.10 of the 1996 BOCA National Building Code. Usually when this occurs, an additional barrier is mounted on the top of the pool, much to the annoyance of the pool owner.

After years of wrestling with this code section, DCA's Northern Regional Local Code Enforcement Office has come up with a safe option to the additional barrier. (Do not conclude that this is required!)

Where the above-ground pool is to be installed on a sloped site that will render a portion of the top of the pool structure to be less than 48 inches to grade, a minimum of a 3 foot level surface around the portion of the pool structure that is less than 48 inches to grade should be provided. The level surface should be measured away from the pool wall to the excavation edge and should be tapered away from the pool at a minimum 45 degree angle for a distance of one-half the provided level surface.

Because a picture is worth a thousand words, please refer to the sketch below for clarification.

Source: Chuck Herring, Northern Regional Office



Building Safety Conference 1999

Construction Officials, Inspectors, Technical Assistants, and Interested Parties, mark your calendars now! The annual Building Safety Conference of 1999 will be held in Atlantic City on April 28th through April 30th at Bally's Park Place. Save these dates and plan to join us at this annual event. All code officials are invited to participate. At this time, fees have not been determined, but there will be an early registration rate. The hotel will be setting aside two blocks of sleeping rooms at a special rate of $89.00 per room in the hotel or $114.00 per room in the tower.

For golfers, the fourth annual golf outing will take place on Wednesday, April 28th. Please consider being a sponsor or a player or get together a "foursome". Some exciting and motivational activities are being planned for those people who would like to participate in the spouse's program.

A brochure will be mailed in late February with more information on all these events. We look forward to seeing you in Atlantic City in the spring.

Source: Education Unit
Bureau of Code Services

Where's Transmittal 31?

On October 5, 1998, West Publishing Company issued Supplement 32. The previous Transmittal issued on September 21, 1998 was numbered 30. What happened to 31?

Well, the answer requires us to look back still further. On July 20, 1998, West Publishing issued transmittal number 29. Then, on September 8, 1998, West Publishing Company issued another transmittal, mistakenly numbering it transmittal 29.

When this was brought to West's attention, the problem was addressed by skipping number 31 entirely — the next transmittal was number 32.

Although confusing, this renumbering will at least ensure that subscribers know the total number of transmittals that were sent this year.

So, where is number 31? There is no transmittal 31. There are two transmittals numbered 29; there is one transmittal numbered 32.

Source: Marcel Iglesias
Code Assistance Unit

So Long, Mike B.

Some of you might have noticed that the lead article in the Fall, 1998, *Construction Code Communicator* was written by Michael Baier and was a retrospective of his ten years with the Construction Code Element. Mike is moving from his position in Code Assistance to take responsibility for the implementation of the Residential Site Improvement Standards, a project he has been involved with since it began several years ago.

We wish you the best, Mike. Because the Code Assistance, Code Development, and the Site Standards crews are all united on the 6th floor at 101 South Broad, we will continue to work near, if not with, you. That's a good thought.

Source: Code Development Unit

Welcome, Tom Pitch!

Welcome, Tom Pitcherello! Tom Pitcherello is a licensed Plumbing Subcode and Construction Official who has served in the Bureau of Construction Project Review as a plumbing plans reviewer. He has now moved to the Code Assistance Unit to respond to questions on the plumbing subcode and the mechanical and energy subcodes. Tom serves on the Test Development Committee for the plumbing tests published and administered by the Chauncey Group (formerly ETS). He is a certified instructor for the continuing education program for Licensed Master Plumbers and is an instructor for DCA's continuing education program in plumbing. Tom will serve as the liaison to the Plumbing and Mechanical and Energy Subcodes Committee of the Code Advisory Board.

All of us in Code Assistance and Code Development are looking forward to working with Tom Pitch. Questions on the Plumbing Subcode and on the Mechanical/Energy Subcodes may be directed to him at (609) 984-7609.

Source: Code Development Unit

Distance Learning/Interactive Television

The Fall of 1998 was a stepping stone into the future. The County College of Morris along with Sussex County Community College and Warren County Community College offered the first Department of Community Affairs (DCA) interactive televideo course for Construction Officials. The instructor for the course was Steve Freedman.

There were eight students at Morris, six students at Sussex, and four students at Warren. The students have learned to interact with each other and follow directions of the instructor through TV monitors. They can see and hear the students at the other locations and cameras focus in as students ask questions. Audio visuals are presented on a graphics camera, so the students have a clear picture of what is being discussed. Fax machines are used in each class to transmit data or current information, such as tests to be taken or problems to be discussed.

With class sizes becoming smaller, interactive TV allows us to continue to offer a broad range of construction code enforcement courses. Other areas of innovation for education are being explored. Some changes in the future may include courses offered through the Internet, on CD rom, or on video. These educational formats allow to students study when it is most convenient.

We look forward to further cooperation with our community colleges in offering a wider range of interactive TV courses as we move into the next millennium.

Source: Susan H. McLaughlin
Supervisor, Education Unit

Barrier Free Parking

At first, I thought it was a failure of my spatial abilities. But, then I checked with colleagues who have no spatial deficit and I found that mine was not so bad after all. Many of the access aisles at newly constructed accessible parking spaces have been reduced from the required five (5) foot minimum to a mere three (3) feet.

The dimensions for accessible parking spaces are given in CABO/ANSI A117.1-92 at section 4.6.2. A car accessible space is required to be eight (8) feet wide and to have a five (5) foot access aisle. One of every eight (8) accessible spaces — never less than one — must be van accessible. That means the space must be eight (8) feet wide with an eight (8) foot access aisle. People with disabilities who use wheelchairs need every inch of this space to exit and enter their vehicles. Three (3) feet is nowhere near enough space to accommodate that entry/exit; *that is why a three (3) foot access aisle is not permitted by the Barrier Free Subcode.*

Building subcode officials should be diligent in the enforcement of this most basic element of an accessible route.

If you have questions about accessibility requirements in New Jersey, please feel free to call John Terry or me at (609) 984-7609.

Source: Emily W. Templeton
Code Development

Nationally Recognized Testing Laboratories (NRTL)

In 1973, the Federal Occupational Safety and Health Administration (OSHA) proposed its first lab accreditation program. That program, however, was never implemented. Instead, OSHA cited safety standards in terms of UL or FM (Factory Mutual). In 1983, after a court battle with the MET Electrical Testing Company, OSHA agreed to replace the UL and FM references with a lab accreditation program. In June, 1988, after another legal encounter with MET, OSHA adopted regulations that define and establish the NRTL program.

All NRTLs (Nationally Recognized Testing Laboratories) must be accredited by OSHA. A NRTL, as defined by OSHA, is an approved agency that tests, accepts, lists, or labels products and materials used in building and construction. A NRTL tests according to technical standards that are recognized in the United States (such as American National Standards Institute (ANSI), American Society of Testing and Materials (ASTM), and the National Electrical Materials Association (NEMA)). These standards are compatible and current with the national model building codes. There is no general NRTL recognition for technical standards. Each laboratory must specify the standards it will test and must provide information concerning the following in its application for accreditation:

The laboratory must prove that it has the capability to examine and test equipment and materials. This includes, but is not limited to, the proper testing of equipment, calibration facilities, trained staff, and quality control.

The laboratory must indicate its use of control procedures to identify listed and labeled equipment and materials.

The laboratory must provide evidence of its ability to perform and evaluate follow-up inspections of factories where the products are made.

The laboratory must show that it conducts field inspections to check on the proper use of its mark on products.

The laboratory must be independent of the buyers, manufacturers, and distributors of the tested products.

The laboratory must maintain a precise record of all complaints.

To gain OSHA recognition as a NRTL, each laboratory must prove its competence as outlined above. Test reports, listing, and labeling by a NRTL, are considered an authentic, reliable source of information.

Source: Farid Ahmad, P.E.
Supervisor
Code Assistance Unit

Asphalt Shingles Installation Requirements

There appears to be some confusion in the field about the requirements for the installation of asphalt shingles when the basic wind speed is 80 miles per hour or greater. According to the BOCA National Building Code/1996, Section 1507.4.3, asphalt shingles cannot be applied to roofs that have a slope of less than 2:12. For roofs with a slope of less than 4:12, a double-layer of underlayment must be used. Asphalt shingles must conform to ASTM D225 or to ASTM D3462. ASTM 225 covers asphalt roofing in shingle form composed of single or multiple thickness of organic felt saturated and coated on both sides with asphalt and surfaced on the weather side with mineral granules. ASTM D3462 includes four physical requirements for asphalt shingles. The requirements are as follows:

1. Shingles shall not stick together in the package; this would cause damage when the shingles are unpacked at ambient temperatures.

2. The shingles shall conform to the requirements prescribed in Table 1 (Physical Requirements of Asphalt Shingles Made from Glass Felt).

3. The shingles shall pass all of the Class A fire exposure test requirements of Test Method ASTM E 108.

4. The shingles shall pass the wind resistance test requirements of Test Method ASTM D3161, the Standard Test Method for Wind Resistance of Asphalt Shingles (Fan Induced Method). ASTM D3161 requires that asphalt shingles pass the wind resistance test, which includes a test of the asphalt shingles to a wind speed of 60 miles per hour for 2 hours or until such lesser time as a failure occurs. Any assembly that restrains full shingle tabs from lifting or keeps locking ears from tearing loose or disengaging shall be considered as having passed this test. This test method is used to ensure that asphalt shingles are resistant to wind blow-up or blow off when the shingles are applied on a low slope roof in accordance with the manufacturer's instructions.

The building subcode requires an increase in the number of fasteners for structures located in hurricane ocean-lines areas along the Atlantic and Gulf of Mexico coastal areas and 100 miles inland where basic wind speed is 80 miles per hour or greater. A minimum of six fasteners per shingle must secure the strip shingles for the increased wind loading associated with hurricane areas. Asphalt shingles that comply with the standards referenced in the BOCA National Building Code/96, ASTM D3462 and ASTM D3161, and that are fastened with six fasteners meet the code requirements for wind speed of 80 miles per hour or greater.

If you have any questions about this issue, I can be reached at (609) 984-7609.

Source: Marcel Iglesias
Code Assistance Unit

Major Structural Defect Claims

The New Home Warranty Program has recently completed an evaluation of Major Structural Defect Claims for which the program has made payments from the New Home Warranty fund. The following table lists the type of building defect found and the number of claims that were determined did not comply with the Uniform Construction Code (UCC).

Code Issue	Chimney	Deck	Foundation	Framing	Porch	Roof
Bearing Value of Soil	10	9	11	0	8	0
Column Ventilation	0	0	0	0	3	0
Height of Backfill vs Wall	0	0	15	0	0	0
Backfill Material	0	0	3	0	0	0
Connections	0	5	0	10	0	2
Lumber Grade	0	2	0	0	0	2
Pipe Columns	0	0	0	4	0	0
Plan Review Revisions	0	0	0	5	0	0
Retaining Wall	0	0	1	0	0	0
Truss or Joist Notching	0	0	0	12	0	0
Ventilation Crawl Space	0	0	0	11	0	0
Wood Foundation System	0	0	1	0	0	0
Wood in contact with Ground	0	5	0	4	0	0

Bearing Value of Soil:

1. Chimney footings were constructed on fill within the limits of the excavation for a basement.
2. Decks were constructed with an insufficient footing area for the load imposed.
3. Foundations were constructed on unsuitable material.
4. Porches that supported a roof or the floor above were installed on uncontrolled backfill.

Column Ventilation: Hollow wood load bearing columns failed due to interior moisture.

Backfill: The height of backfill compared to the foundation wall thickness continues to be the major cause of foundation wall cracking and failure. Eight inch block is often backfilled to six or seven feet high, well in excess of the maximum allowable.

Backfill Material: Boulders, organic material, and construction debris.

Inadequate connections:

1. Decks at the wall to deck intersection where the ledger has an insufficient through connection to the wall.
2. Joist hangers have been found still attached to a ledger that pulled away from the wall.
3. Columns have rotated and failed where the base plate was masonry nailed to the top of the footing and insufficiently attached at the beam and column intersections.
4. Built up beams have been found to have been inadequately nailed or bolted together and, therefore, have been unable to support the intended loads.
5. Lumber Grade was improper for the use, was in contact with the ground, or a lower strength grade was used in the roof instead of the grade that was specified.

Pipe Columns: Insufficient wall thickness, instead of the specified wall thickness, was provided.

Plan Review Revisions:

1. Undocumented changes during construction have resulted in structures where loads were not being transferred through the structure to bearing.
2. Room sizes were changed and bearing walls were lined up between joists, resting on the subfloor.
3. Field fabricated flitch plate beams were substituted for steel specified and built up wood columns (multiple studs) were substituted for pipe columns.
4. Wood columns were not continuous to bearing, but rested on the subfloor with blocking between the joists down to the masonry.
5. A room above a garage was designed to have a flat ceiling, but was built with a cathedral ceiling. No collar ties were installed and the resulting rafter thrust bowed the exterior walls, dropped the ridge, and deflected the rafters.
6. Diagonal windbracing on piles was reduced to allow for parking, the result was racking of the structure.

Retaining Wall: The masonry wall was constructed with insufficient footings, inadequate vertical and horizontal reinforcing and inadequately designed for a surcharge.

Truss or Joist Notching: Joists were drilled for plumbing under a water closet and shower. The drilling was perpendicular through the joists to parallel to the joist's run. There was top and bottom notching for HVAC. There was truss web removal for HVAC, with no gussets added, although the manufacturer had recommended them. Trusses were not set at the manufacturer's marked bearing points on the beam.

Ventilation of Crawl Space: There was no vapor barrier with vent area provided, although the design had included a for full vapor barrier. In some cases, a partial vapor barrier was provided. Vents were set below grade with no area well.

Wood Foundation System: Several pieces of plywood were an improper grade for below ground use.

Wood in Contact with Ground: Deck framing was set eight inches above grade. The dropped beam in the crawl space was set ten inches above crawl space floor.

Four code deficiencies accounted for 67 percent of Major Structural Defects. These were:

1. Bearing Value of Soil	31%
2. Connections	14%
3. Height of Backfill vs Wall Thickness	12%
4. Truss or Joist Notching	10%

Deficiencies in the foundations of the building, chimney, deck, and porch combined for 47% of the Major Structural Defects. Framing inadequacies accounted for 49% of all defects. 4% of the defects were classified as "other."

Construction Code enforcement agencies are the first line of defense in ensuring code compliance through plan review and field inspection. As the New Home Warranty program evaluates future claims, we will continue to report on what we are finding.

Source: Wil Hinds, Architect
Manager, Claims, Bureau of Homeowner Protection

The Department of Community Affairs announces with deep sorrow the death of Wil Hinds on January 3, 1999.

Telephone Numbers: Correction

In the Fall, 1998 *Construction Code Communicator*, the telephone number for the Atlantic City Plan Review Office was incorrect. The correct address and telephone number is:

Bureau of Construction Project Review
Atlantic City Office
1300 Atlantic Avenue, Suite 204
Atlantic City, New Jersey 08401

Telephone: (609) 441-3679
FAX: (609) 441-7355

Source: Emily W. Templeton
Code Development

A Summary of the National Electrical Subcode 1996

Effective July 6, 1998, the 1996 edition of the National Electrical Code (NEC) was adopted with amendments by the Department as the electrical subcode for New Jersey. This article contains a list of some of the new provisions of the NEC/1996 and highlights some of the amendments that were made to the electrical subcode.

Some of the new articles in the 1996 NEC are: lighting systems operating at 30 volts or less (Article 411); Class I Zone 0, 1 and 2 Locations, (Article 508); Carnivals, Circuses, Fairs, and Similar Events (Article 525); Park Trailers (Article 552); Electrical Vehicle Charging System Equipment (Article 625); Fire Pumps (Article 695); and Instrumentation Tray Cable Type ITC (Article 727). Although the NEC/1996 contains significant changes in certain sections, a majority of its changes are either editorial revisions or a reorganization of text.

Some of the amendments made by the Department to the 1996 NEC are:

1. Parts B, C, D, and E of the new Article 552, entitled "Park Trailers," have been deleted with the exception of Sections 552-43, 552-44 and 552-47.

2. New Section 680-12 concerning disconnecting means has been clarified by Formal Technical Opinion (FTO) 6. In other than single family dwellings, a disconnect or shut off switch is required to be installed within sight of a spa or a hot tub where access to the motor is remote from the unit.

3. Most of the fine print notes (FPN's) — with the exception of NFPA 86, NFPA 91 and NFPA 101 — have been adopted as part of the electrical subcode to the extent provided by the section containing the reference. For convenient reference, Bulletin 98-2 contains a list of standards and the related sections of the electrical subcode.

4. This code adoption includes the adoption of the National Electrical Safety Code (ANSI C2-1997) for the installation of site lighting facilities using metal poles on private property by electric utilities. This is in accordance with a settlement agreement reached by the Department with electric utilities.

5. Remember: The Department adopted the Rehabilitation Subcode (*NJAC* 5:23-6) in January, 1998. The Rehabilitation Subcode contains the requirements that apply to existing buildings. In many cases, these requirements differ from those that apply to new construction. Therefore, Electrical Subcode Officials must pay close attention to the electrical requirements in the Rehabilitation Subcode, which is Subchapter 6 of the Uniform Construction Code (UCC).

If you have any questions, please contact me at (609) 984-7609.

Source: Ashok K. Mehta
Code Assistance Unit

Summary of the 1998 National Standard Plumbing Code Change Hearings

This article contains a summary of some of the important code changes that were approved at the August 1998 National Standard Plumbing Code change hearings.

1. Editorial Changes: The New Jersey Plumbing Heating and Cooling Contractors Association Code Change Committee submitted numerous editorial changes that will improve and clarify the National Standard Plumbing Code text.

2. PEX tubing: There has been a marketing push to use this pipe in New Jersey. Currently the code is silent on this product, which means that if code officials believe that the product will perform as intended, they may approve its use under *NJAC* 5:23-3.7. In the past, the primary concern with the tubing was the lack of a technical standard for the fittings. This year, in addition to a technical standard for the tubing, a technical standard for the fittings has been published. The code change committee approved the use of PEX tubing that meets ASTM F876 with fittings that meet ASTM F877. This change will not appear until the 1999 (or perhaps 2000) edition of the NSPC. However, when reviewing applications regarding the use of this material, code officials may apply *NJAC* 5:23-3.7 knowing that the code change committee approved its inclusion in the next edition of the NSPC.

3. Grease Traps: A grease trap that has a capacity of 50 pounds or less may be installed inside of a building if approved by the administrative authority under the 1996 code. At the August 1998 hearings, this section of the NSPC was changed to permit the administrative authority to allow any size grease trap to be installed in a building.

4. Single Handled Mixing Valves: The current code requires the installation of fixtures so that the hot water is on the left of the fixture. An exception was passed that exempts single handled faucets from the hot on the left rule as long as the valve's operation is clearly marked.

5. Fixture Counts: In Table 7.21.1A, the Assembly C category currently applies to restaurants and nightclubs when determining the required number of fixtures. The NSPC code change committee approved a change that divides this category into two subcategories — one for restaurants and another for bars and nightclubs. The fixture count requirements for restaurants are reduced. The fixture count for nightclubs remains the same.

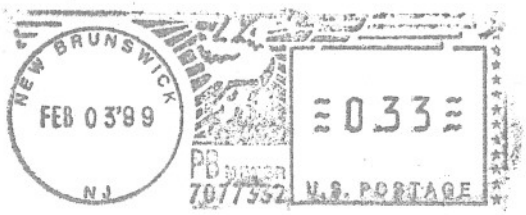
6. Tracer Wire: The code change committee approved adding a new section that requires a tracer wire to be installed adjacent to non-metallic water service piping.

If you have any questions on these changes, please contact Tom Pitcherello in the Code Assistance Unit at (609) 984-7609.

Source: Mike Baier
Code Assistance and Development

THE STATE UNIVERSITY OF NEW JERSEY
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Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 9 Number 1

Spring 1997

20 Years Ago

1977 was a memorable year:

- Elvis died.
- Star Wars was first released.
- Jimmy Carter was in the White House.
- Edward Koch was elected Mayor of New York City.
- Fluorocarbons were banned as an aerosol propellant.
- Legionnaire's disease spread through a Philadelphia hotel's HVAC system.
- Lou Brock surpassed Ty Cobb's record for base stealing.
- The Oakland Raiders defeated the Minnesota Vikings 32–14 to become the Super Bowl champions.
- Gordie Howe became the first hockey player to score 1,000 goals.

AND

- THE UCC REGULATIONS WENT INTO EFFECT!!

Source: Code Development and Assistance
Division of Codes and Standards

Department Marks 20th Anniversary of UCC

The year was 1977. Jimmy Carter was in the White House. "Star Wars" was on the big screen for the first time. And the New Jersey Uniform Construction Code went into effect.

The Uniform Construction Code as it exists today is the result of the vision of Division of Codes and Standards Director William M. Connolly. Two DCA staff members had been assigned to draft the regulations to make this vision a reality: Jim Sinclair (now a Vice President with the New Jersey Business and Industry Association and a member of the Uniform Construction Code Advisory Board) and Sol Metzger (now an Administrative Law Judge.) In September, 1975, they were joined in their efforts by the first employee hired to work exclusively on the UCC: Charles M. Decker. It was Chuck Decker's focus and intellect that shaped the UCC. Under his leadership, the infrastructure to support the UCC through its first 20 years (and the next 20 years) was developed. Today, there are 142 employees working in the enforcement and administration of the UCC.

(Continued on page 2)

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One of the keys to code enforcement as it was envisioned 20 years ago was a qualified corps of local officials. The goal was to ensure that all of those involved in the enforcement of the UCC were trained and licensed. The UCC requirements for licensing and continuing education and the provisions governing conflict of interest all were written to ensure that those enforcing the UCC were professionals in every sense of the word. New Jersey joined other states in working with ETS (Educational Testing Service) on the development of standardized tests to measure individual proficiency in the model codes.

Currently, there are 4,583 individual licenses held. Last year, the Department offered 212 continuing education courses, reaching 8,511 attendees with information to enhance their ability to enforce the UCC. Later additions, such as the institution of peer review committees, support the Department's efforts to maintain the professionalism of code officials and underscore the degree to which this goal has been realized.

Over the last 20 years, the UCC has been amended to address barrier free access, manufactured construction, radon hazard construction techniques, asbestos hazard abatement, lead hazard abatement, energy conservation, elevator safety, and a host of other emerging building safety issues. While the Uniform Construction Code has evolved over the years, and has accommodated innovation and change, the framework that was established 20 years ago has remained intact and has served New Jersey residents well. New Jersey acts as a national model in the adoption and enforcement of construction standards. Everyone involved with the administration and enforcement of the UCC can take pride in this achievement.

Source: Code Development and Assistance
Division of Codes and Standards

Modular Construction and Firestopping

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An inspector may think that, when inspecting a modular house, he need only inspect those items built on site. Some modular plans, however, make reference to firestopping which is to be installed by builders for penetrations, such as the tub drain assembly and pipe penetrations through the floor.

Remember to check the modular plans, including the small print, for firestopping requirements that must be done on site by the builder before a final inspection.

Source: Tom Pinand
Building Department
Vernon, New Jersey

Questions About Industrialized/Modular Buildings

QUESTION #1: Can a modular Type 5B CABO house be three stories?

RESPONSE: Yes.

QUESTION #2: Can a modular CABO house be sited in a flood plain provided that the foundation complies with BOCA?

RESPONSE: Yes. The decision to limit construction in flood prone areas to the BOCA National Building Code was based on the lack of design criteria in CABO. In the case of this modular unit, however, the CABO unit will not be subject to flooding since it is installed above the established flood elevation. The code has been met because the site built portion, which might be subjected to flood, was designed and built to BOCA provisions.

QUESTION #3: What are the requirements for filing documents at the time of application for a construction permit?

RESPONSE: Part IV - Section 6(A) of the Uniform Administrative Procedures (*N.J.A.C.* 5:23-4A.10) stipulates the following when applying for a construction permit:

1. A statement must be included that the work to be performed under the permit includes the installation of a certified Industrialized/Modular Building or building component with IBC insignia. This statement must be signed by the applicant or his agent. In addition, schematic floor plan layouts and typical elevations must be submitted. The manufacturer must reference the evaluation agency's approval of the building, building systems, or building components, as applicable. These schematic plans need not be prepared by or sealed by an architect or engineer.

2. The reference of approvals by the evaluation agency can be made by any one of the following methods:

- An approval stamp of the evaluation agency on the plans;
- A letter from the evaluation agency on its letterhead stating that they approved the particular model/options;
- A letter from the manufacturer stating that the particular model/options were approved by the evaluation agency.

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3. Detailed plans for site-built construction related to installation of modular buildings must be included with the permit application. These plans must be sealed and signed by a New Jersey Professional Engineer (PE) or Registered Architect (RA). Remember, however, that a homeowner who is planning to construct a single family home himself to be used as his own principal residence is not required to submit signed and sealed plans. (*N.J.A.C.* 5:23-2.15(e))

4. The manufacturer's installation instructions for the modular buildings must be submitted with the permit application.

QUESTION #4: What are local enforcement agency's responsibilities with respect to the inspection or approval of a modular building including its installation?

RESPONSE: This response is based on *N.J.A.C.* 5:23-2.22 and Part IV - Section 6(B) & (C) of the Uniform Administrative Procedures:

(1) The local enforcement agency is required to inspect all modular buildings upon, or promptly after, the installation at the building site to determine whether all site-built construction complies with the plans filed with the permit application, the manufacturer's installation instructions, and the conditions listed on the manufacturer's data plate.

(2) Before accepting the unit, the appropriate Subcode Official may require the performance of nondestructive tests.

(3) The appropriate subcode official must look for any visible signs of damage and/or visible code violations.

(4) No inspection requiring disassembly, damage to, or destruction of the certified modular building shall be conducted.

QUESTION #5: What are the requirements of fire separation walls in case of townhouses built to the CABO One and Two Family Dwelling Code?

RESPONSE: Per R-218.2, townhouses may be constructed, and shall be considered as separate buildings, provided that they are separated by exterior walls that meet the requirements of Section R-202. Per Section R-202, townhouses may be constructed provided that the two adjoining walls are rated one hour and are protected from exposure on both sides. A common two hour fire resistive wall is also acceptable if it meets the requirements in the Exception to R-218.2.

QUESTION #6: What are the permit requirements for controlled environmental vaults and process equipment?

RESPONSE: As long as the vault contains no provision for human access, houses only telecommunication equipment that is considered process equipment, and is manufactured as an integral part of the equipment (one example is the housing for a piece of switchgear), it may be considered process equipment. However, if the vault contains a means for human access, contains equipment regulated by the UCC, or is enclosed within a vault so constructed that it aligns itself with the definition of a structure in the UCC, a permit is required.

Source: Paul Sachdeva
Industrialized Buildings Unit
Bureau of Code Services

Egress from a Mezzanine

This is an old topic that, perhaps, needs a fresh outlook. It is amazing, but true, that determining the requirements for egress from a mezzanine is confusing and sometimes is misinterpreted. Some of the areas that are commonly misinterpreted are: whether one or two means of egress are required from the mezzanine space; what the total travel distance must be; exit access through open stairway; and remoteness.

Other than the special industrial occupancies of Type 1 or 2 construction, the aggregate area of a mezzanine is limited to a maximum of one-third of the area of the room where it is located. For special industrial occupancies in buildings of Type 1 or 2 construction, the mezzanine is limited to a maximum of two-thirds of the area of the room in which it is located. Enclosed space in the room is not taken into account in the calculation of the allowable mezzanine area. Also, although the mezzanine area does not contribute to the building area, it does contribute to the fire area within the building.

Due to the special characteristics of a mezzanine described above, the egress plan must be based on several variable parameters. Among other requirements, egress from a mezzanine must meet the following code provisions:

(1) BOCA - National Building Code 1993, Section 1017.2: It must be determined whether the mezzanine qualifies for one or two independent (and, of course, remote) means of egress. If the stairway is part of the exit access, the travel distance should be measured from the most remote point of the mezzanine area to the bottom of the stairway. The stairway providing exit access from the mezzanine area is not required to be enclosed. This travel distance is not the total travel length required to get to the exit; it just provides direction for determining required egress from the space.

(2) BOCA - National Building Code 1993, Section 1006.5: It must be determined whether the maximum length of exit access travel from the most remote point of the mezzanine area to the exit complies with the code.

It is important to consider the points raised in sections (1) and (2) above when evaluating egress from a mezzanine.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

Barrier Free Recreation: "Percent" Rules!

I have received several inquires concerning the amount of accessible play equipment that is required in a play area. The questions have particularly focused on what must be provided when equipment is being replaced. It is not really a question of "is accessible equipment required?" but, rather, "how much accessible equipment is required?" That is decided by the following "percent rules." The requirements for including accessible equipment when replacing existing equipment are based on the requirements for newly constructed recreation sites.

On a newly constructed recreation site:

Five Percent (5%)

5% of the following areas and equipment must be accessible: camp sites, picnic tables, benches, fireplaces and grills.

Twenty-five Percent (25%)

25% of the following play equipment must be accessible: (1) single function play equipment in each play area on a site; (2) play activities of multi-function play equipment.

When replacing existing equipment on a site:

Fifty Percent (50%)

50% of the replacement equipment must be accessible to and usable by people with disabilities until at least 25% of the equipment provided is accessible.

Because there are no standards for determining whether play equipment is accessible, accessible play equipment must be identified by the manufacturer as usable by both disabled and non-disabled people.

Also, it is critical that an accessible route of travel, which is required by the recreation section of the Barrier Free Subcode, be provided to accessible sites, access points, equipment, and support facilities.

If there are questions about accessible recreation sites or equipment, please call me at 609/530-8788.

Source: Gail R. Weikel
Code Development and Assistance

Fixture Recount

A while back, I wrote an article on occupant loads for calculating the number of required fixtures called "The Hottest Party of the Year" (*Communicator,* Vol. 6, No. 1). I can only conclude that the article was a flop because, since the article appeared, several people have told me that a great topic for an article would be fixture counts in the plumbing code. Maybe it was the title. (I probably got a bunch of fire guys to read a plumbing article — or at least part of a plumbing article.)

The theme of that article, and of this one, is that the plumbing code is fairly flexible with respect to determining the number of people to be used when applying table 7.24.1 of the plumbing subcode. The code gives some hints about where you might come up with a number, but it does not have a direct tie to the egress occupant load of the building code. Section 7.24.2 states that "Where the occupant load is based on the egress requirements of a building code ..." Note that the code does NOT say that the number of occupants shall be determined by the building code. Therefore, the code implies that there are other ways to calculate the occupant load.

Some examples of other methods of calculating an occupant load are the number of seats, in the case of restaurants or theaters, or attendance records, in the case of health clubs or swimming pool areas. In the case of day care centers and public school classrooms, occupant load is often limited by other State regulations. In those cases, the established occupant loads can be used for calculating the number of plumbing fixtures. The code gives you the ability to accept these numbers.

What happens when the owner of the restaurant you just approved decides that he can cram in a couple more tables? Similarly, what happens if there is a change of tenant with no change of use — and the new tenant has a higher occupant density? These are valid concerns. If you are concerned that there could be a fluctuation in occupant load that would render the number of fixtures inadequate, you can make the plumbing occupant load a condition of the Certificate of Occupancy. This is suggested only as a complaint tool. I do not expect plumbing subcode officials to count the people coming in and going out of restaurants to make sure that the plumbing occupant load is not exceeded. Making the occupant load a condition of the Certificate of Occupancy allow you respond to consumers who complain about inadequate plumbing facilities.

Maybe one quick example is in order. A restaurant is provided with 60 seats and has 4 employees. Since the number of employees and customers is under 100, a single set of rest rooms for the use of both customers and employees can be provided. The number of people of each sex that must be accommodated is: $64 \times .6 = 38.4$. By table 7.24.1A C. Assembly, the required number of fixtures is 2 water closets (one may be a urinal) for the men, and 2 water closets for the women.

It is important to remember you have this flexibility, especially in the case of existing buildings where the amount of space is limited. So, limber up everybody.

Source: Mike Baier
Code Assistance Unit

Roofs, Ice Shields, and Building Officials — An Interesting Combo

The Department has been made aware of confusion concerning the requirements for roof ice shield protection. It appears that some building subcode officials require ice shields only on total replacement roof covering projects; others never require an ice shield; and still others require an ice shield on all roofing projec whether the situation is total replacement or just recovering.

In an attempt to clarify this issue and to reasonably apply the intent of the code, it is recommended that the building subcode official:

1. Ask the permit applicant whether the roof project is a total roof covering replacement or a roof recovering procedure;
2. Establish whether a recovering, rather than a total replacement, would comply with Section 1512.3 of the 1993 BOCA National Building Code;
3. If, based on knowledge of area conditions, the building subcode official determines it is necessary, an ice shield should be required for a new roof covering or a total roof replacement. We believe that the local building subcode official, who knows his/her geographical area best, is the appropriate person to make this decision.

In addition, it is recommended that, in the case of a roof recovering project, ice shields not be required — or allowed — to be installed over any existing roof covering. There are two reasons for this:

1. The manufacturers of products used to create ice shields do not recommend or warranty their products unless they are applied to clean, smooth and dry decking; and
2. The removal of the roof covering should not be required simply to accommodate an ice shield. The roof covering should be required to be removed only when mandated by Section 1512.3 of the BOCA National Building Code.

Source: Thomas Uber
Construction Official
Bureau of Regulatory Affairs

Elevator Subcode and "Special Devices"

This article intends to give guidance regarding the enforcement responsibility of the elevator subcode officials in dealing with the installation of special devices, such as Personnel Hoists (ANSI A10.4), Material Hoist (ANSI A10.5), Conveyors (ASME B20.1), and Automotive lifts (ANSI B 153.1), devices which are within the scope of BOCA Chapter 30, but are not within the scope of UCC Subchapter 12.

Pursuant to *N.J.A.C.* 5:23-2.14(a), the installation of special devices should be evaluated to determine to what extent they are subject to the permit process and code compliance. Special devices may be classified into two broad categories:

1. Special devices that are permanently installed and become part of the building service system; and
2. Special devices that are meant for temporary use and are removed from the site upon the completion of a building or structure.

Devices classified in the first category are subject to the Uniform Construction Code permit process, and, therefore, they are subject to plan review and acceptance inspections for conformance with such code items as structural supports, enclosures, power supply, and disconnecting means. The installation of these devices must comply with the applicable provisions of the Building, Electrical and Fire Protection subcodes. This should be ensured by the appropriate subcode officials.

Devices classified in the second category should be subject to such special requirements as are deemed necessary by the construction official to secure safe operation per Section 3001.1 of the building subcode.

As to the responsibility of the elevator subcode officials, in both cases, when a permit application is requested for the installation of a special device, the elevator subcode official should advise the construction official as to the nature of the project. The construction official should also be advised that, based on *N.J.A.C.* 5:23-2.19 and *N.J.A.C.* 5:23-2,20(b), a report by, or statements of, a licensed engineer or registered architect should be requested where conformance of the equipment with the applicable standards, as scoped in Section 3001.2 of the building subcode, is required.

If further information regarding this subject matter is required, please contact me at 609/530-8833.

Source: Paulina Caploon, Construction Official
Elevator Safety Unit
Bureau of Code Services

New Home Warranty Rule Changes

As a result of the recent New Jersey Appellate Court decision, *Ingraham* v. *Trowbridge Builders*, the definition of "warranty date" in the Regulations Governing New Home Warranties and Builders' Registration, *N.J.A.C.* 5:25-1 et seq., is in the process of being amended. New home builders need to be aware that this court decision and amendment will affect the warranty coverage for model homes.

The court ruled that the warranty for model homes begins on first occupancy or settlement date, whichever is sooner, by the owner. The date on which the temporary certificate of occupancy is issued is no longer the warranty date for model homes. Builders must give owners the full ten year limited warranty on model homes from the date the owner first occupies or settles on the model home, whichever is sooner. This rule change applies to all builders, whether participating in the State Plan or in the private warranty plans.

New home builders participating in the State Plan must contact the New Home Warranty Program at least four (4) weeks prior to the anticipated settlement or occupancy date by the owner, since a pre-enrollment inspection will be conducted by staff.

For additional information, please contact the warranty enrollment section at 609/530-2445 and request the updated Builder Instructions Sheet for Certificates of Participation.

Source: Karen Schwacha
New Home Warranty Program
Bureau of Homeowner Protection

1996 Model Codes

It has come to our attention that some code officials may be requiring compliance with the 1996 model codes. The 1996 codes have not been adopted. Last year, the Legislature passed and the Governor signed a law that has the effect of freezing the codes at 1993, while giving to the Department of Community Affairs the ability to amend the model codes for consistency with the Uniform Construction Code Act.

The Code Assistance Unit, and other Department staff, have been summarizing and evaluating each change to each model code. The document that lists each change, editorial as well as technical, with the Department's recommendation to adopt or not to adopt each change is nearly finished. It will be published in the *New Jersey Register* as a pre-proposal and public comments will be obtained. When the public comments have been received, they will be reviewed, changes that are needed will be made, and then a proposal to adopt those items in the 1996 codes that meet the UCC Act will be published in the *New Jersey Register*. Public comments will again be taken, reviewed, and evaluated. Necessary changes will be made. Then that adoption will be published in the *New Jersey Register*. This process will probably take the remainder of this year, so that new code provisions should be adopted by the beginning of 1998.

We will keep all readers of the *Construction Code Communicator* informed about this issue throughout this year. In the meantime, the 1993 model codes are the adopted codes in New Jersey and buildings must be designed and constructed to the 1993 codes. Should a permit applicant submit plans designed to the 1996 codes, we recommend that you allow that option by variation. However, at this time, no official should require compliance with the 1996 codes, which have not been adopted in New Jersey.

Source: Emily W. Templeton
Code Development

Plan Review for Health Facilities

As many, if not most, of you know, the Health Facilities Plan Review Unit has been moved from the Department of Health to the Department of Community Affairs (DCA). This has generated questions, which this article intends to resolve.

The review and approval of construction documents for all licensed health care facilities is being done by the Health Facilities Plan Review Unit, which is now part of the DCA. All regulations, codes, and procedures have been retained. The address and telephone and FAX numbers have changed.

The Health Facilities Plan Review Unit is responsible for the review of plans for the following facilities: acute care hospitals, rehabilitation hospitals, psychiatric hospitals, nursing homes, assisted living and comprehensive personal care residences, residential health care facilities, ambulatory surgical centers, birthing centers, dialysis centers, ambulatory health care centers, and adult or pediatric medical day care centers.

For information or to submit plans for review, please contact Kenneth A. Hess or David B. Uhaze. The address and telephone numbers follow:

Department of Community Affairs
Health Facilities Plan Review
329 West State Street
CN 815
Trenton, New Jersey 08625-0815
Telephone: 609/633-8151
FAX: 609/633-8829

Source: David B. Uhaze, R.A.
Health Facilities Plan Review
Bureau of Project Review

Educational Facilities Plan Review

The plan review functions of the Department of Education have been transferred to the Department of Community Affairs. There have been two parts to the submittal and review process and they remain the same. It is the purpose of this article to review the process and to provide the new address, telephone, and fax numbers.

All educational submissions for educational specifications, schematic drawings, and final education drawings are still required to be submitted to and approved by:

Educational Facility Planning Services
CN 500
Trenton, New Jersey 08625
ATTN: Larry Mione
Telephone: 609/633-7400

The Educational Facility Planning Services will maintain the files for each project until all funding is in place. When final education approval is issued, the project will be forwarded to the Education Plan Review Unit in the Bureau of Project Review, Division of Codes and Standards, DCA. The final drawings can then be submitted for code review.

The new address and telephone number of the Education Plan Review Unit is:

Department of Community Affairs
Division of Codes and Standards
Education Plan Review Unit
CN 815
Trenton, New Jersey 08625-0815
Telephone: 609/633-0800
FAX: 609/633-2525

The staff of the Education Plan Review Unit is available to aid architects and school districts at any point during the code review process. Please contact us at the address and telephone number above.

Source: John D. Garcia
Education Plan Review Unit
Bureau of Project Review

May I Use CABO in a BOCA House?

Recently, a respected colleague asked me the above question and was surprised at my response. He then told me that I should write this article. Well, here it goes!

The issue is: A single family house was designed, constructed and issued a Certificate of Occupancy as an R-3 BOCA designed single family residence. The owner now wants to finish the basement using the CABO One and Two Family Dwelling Code.

The question is: Is this allowed?

The answer is: Yes.

The premise of not mixing BOCA and CABO applies for the duration of the permit; it does not apply for the life of the building. If the building owner uses CABO for this project, it should NOT be considered a change of use. Buildings designed using BOCA or CABO, R-3 or R-4, are one and two family dwellings; the use group delineation is a distinction without a difference.

Source: John N. Terry
Code Assistance Unit

CATV Signal Booster

The Department has received numerous inquiries concerning the need for construction permits for electrical power supply equipment installed to supply electric power to cable television signal boosters. This equipment is generally unmetered and is installed either on poles or on pedestals which are owned by an electric utility company.

Since these installations are within the scope of Board of Public Utilities (BPU) regulations and also are performed by entities regulated by the BPU, such as cable television and electric utility companies, no Uniform Construction Code (UCC) permit is required.

The installation of this equipment, however, must be safe and in compliance with the National Electrical Code. If a potentially hazardous condition is noticed, the local enforcing agency is advised to notify the BPU so that corrective action can be taken.

Source: Ashok K. Mehta
Code Assistance Unit

Elevator Records Management 103

As you are aware, administrative fees can only be charged when on-site agencies manage the subcode. In cases where municipalities change from on-site agency elevator subcode enforcement to the local enforcement of the elevator subcode, the administrative fee does not apply. But, old habits die hard, and the administrative fee is sometimes still charged. This is an error.

When these fees have been erroneously collected, the municipalities must return them to the affected building owners. There are two ways this can be done: (1) By refund check or (2) By deducting the amount in question from the total for the next billing cycle. Don't forget to enclose a letter detailing the explanation for this (hopefully) one-time occurrence. Direct any questions relating to the above to me at 609/530-8833.

Source: Phil Van Leeuwen
Elevator Safety Unit
Bureau of Code Services

Hey, ISO Isn't So Bad After All

The Winter 1996 *Construction Code Communicator* included guidance on answering the Building and Construction Code Effectiveness Grading Questionnaire. As an update, we would like to let all construction officials know the status of that classification effort.

First, not all municipalities have received the questionnaires at this time. Questionnaires have been sent to approximately 208 municipalities. Approximately 80 municipalities have completed the entire process, including the field visit by an Insurance Services Office (ISO) staff member.

The scores of nearly 40 municipalities in New Jersey have been made available to insurance companies. On a scale of 1 (high) to 10 (low), three other states have average scores of 4, 5, and 7. At this time, the scores within New Jersey range from a "high" of 2 to a "low" of 5. These break down as follows:

Score	*Number of Departments*
2	4
3	11
4	18
5	6

So, you can see, New Jersey *is* the leader in construction code enforcement! Keep up the good work — and, when you receive your questionnaire, fill it out completely, and return it to ISO promptly. Remember, if you do not participate, the building owners in your community will have no access to the discounts that will be offered by insurance companies. Also, this is an opportunity for New Jersey's Construction Code system — and, more importantly, its code enforcement professionals — to be recognized as the best in the country.

There are 99 municipalities that ISO has categorized as "delaying." If any of you think you might be in that category, fill in the questionnaire promptly. If your questionnaire has been misplaced, just call ISO; they will send you another. If you are having trouble filling out the questionnaire, the Winter 1996 *Communicator* article should help; or, just call Lou Mraw or me — we'd be glad to help.

You can reach Lou Mraw, Acting Chief, Bureau of Regulatory Affairs, at 609/530-8838. You can reach me at 609/530-8788. At ISO, you can reach Dennis Gage at 212/898-6982, Tom Pienciak at 212/898-6983, and Chuck Pisano at 212/898-6984.

Source: Emily W. Templeton
Code Development

UCCARS: A New Release!

As you may have already heard, the Department of Community Affairs' newest version of UCCARS software is scheduled to be released this Spring. Overall, the product still offers all the good things it did before, but it has been enhanced to overcome some of the less favorable aspects of the last release. We hope this will improve usability and output. This new version includes over 25 changes to either System I or System II — or both. We believe these are significant improvements. For the purposes of this summary, the changes are categorized as either resulting from: (1) Legislative or Administrative Rule Changes; (2) the need for Increased User Utility; (3) the discovery of the need for a Design Correction; or (4) the need to adapt to a Changing Environment. The most significant changes follow.

(1) Legislative or Administrative Rule Changes

- The reference to social security numbers has been removed from the Contractor File. The space on the file may now be used for Federal Employer Identification Number or Contractor's telephone number.
- Modifications have been made to accommodate Lead Abatement activity.
- There is a provision for a new Fee Processed type on the payment record input screen for Elevators. This is also included as an individual line item on the Cash Audit Report.
- There have been modifications of all applicable screens and outputs to reflect the recent changes to standard forms.
- The 10% of construction permit calculation for the certificate of occupancy fee has been eliminated. (Note: This is also a design correction.)

(2) Increased User Utility

- Provisions have been made for a system option to enable municipalities to run a database reindexing process on an as-needed basis.
- When adding a permit record, it is now possible to select the contractor by name, rather than social security number, from the Contractor File. This can be accomplished by entering the first few characters of a contractor's name. A pop-up window from which to select will appear and will display all records meeting the search criteria entered.
- A provision has been made for deleting records from the Contractor File.
- An on-screen area will be provided for the free-form entry of technical site data for the electrical, plumbing, fire and elevator subcodes. This capability has always been, and continues to be, available for building subcode technical site data.
- A provision for running backup utilities other than Maynard from within the UCCARS Program Setup has been made.
- A method to track Abandoned/Void/Expired Permits and exclude them from existing reports, including both open and closed permits, has been made available. A new report listing Abandoned/Void/Expired Permits is now available.
- It is now possible to preview selected reports on-screen before they are printed.
- It is possible to select a range of records by date on the Open Permits and Inspection Reports.
- The need to print a Site ID page has been eliminated.

(3) Design Corrections

- The State Training Fee Report has been modified to exclude the volume of new construction and value of construction on alterations related to fee exempt permits when calculating the total State Training Fee owed. The amounts of exempt volume and value will appear on the report, but will not be included in the fee calculation.
- The applicable system reports on open permits will be able to exclude permit updates whose original permit has been closed. In the past, when a certificate was issued, the original permit record was closed, but all the corresponding update records remained open and were incorrectly included in Inspection and List of Open Permits Reports.
- Additional levels of fee categories have been provided.
- There is a method to allow a Temporary Certificate of Occupancy (TCO) to continue to trigger a CARS data transmission. But, this will not prevent the scheduling and recording of a final inspection.
- The ability to enter violation information and to produce the standard form violation notice as outlined in the Municipal Procedures Manual has been added.
- A method to easily convert a Control Number to a Permit Number has been included, which eliminates the need to convert every subcode area individually.
- The ability to update or delete a Certificate record has been included.
- The ability to copy the Description of Work from a Permit output to a Certificate output now exists.
- The Prototype field can be used on updates.
- The ability to automatically supply the next available Permit Number when converting a Control Number to a Permit Number is now provided.

(4) Changing Environment

- A new field, known as the Tax Assessor Qualification Code, is provided. This is also reflected on the revised Permit Application standard form.

Please watch for the Department's announcement of the availability of this new UCCARS release and the schedule of the UCCARS Support Seminars, which will provide an overview on using the new product. Remember, UCCARS is the property of the State of New Jersey and is provided free to municipal construction code enforcement offices. If there are questions on the upcoming UCCARS training seminars, please contact the Education Unit in the Bureau of Code Services at 609/530-8798.

Source: TEAM UCCARS
Division of Codes and Standards

Important Note for Users of the Inspection Module in UCCARS System I or System II!!!

The UCCARS software will not accept the Year 2000 or higher as a date of license expiration for inspectors. The UCCARS software treats these years as 1900 or 1901, etc. This problem is being corrected. In the meantime please enter those licenses as expiring on December 31, 1999, which is, at this time, the highest date acceptable.

Source: Larry Wolford
UCCARS Unit
Division of Codes and Standards

Troubleshooting Modem/Transmission Problems with UCCARS Software

The majority of problems related to the SEND DATA TO DCA option in UCCARS relate to the type of modem selected and the version of CROSSTALK XVI. When purchasing a modem to use to transmit data:

1. Select a name brand modem that is supported by CROSSTALK XVI. This may mean that a newer version of CROSSTALK XVI is purchased at the same time as the modem.
2. Set up the modem in CROSSTALK XVI for the new modem and modem speed. If the modem is a 14,400 baud use 19,600. If the modem is a 28,800 or 33,600 baud use 38,400
3. If you currently have UCCOMM version 3, you can edit the file called uccsend.xtk, in either the uccars.cmm subdirectory of uccars (System I) or xtalk (System II), to input the new speed or communications port. Your alternative is to rerun the UCCOMM version 3 to set up the changes in your modem.

If you have UCCOMM version 1.03, please notify me at 609/292-7899 to obtain the UCCOMM version 3 diskette.

Source: Larry Wolford
UCCARS Unit
Division of Codes and Standards

Attention Construction Officials and Control Persons! Demolition Permits

When entering data into the UCCARS, or similar software, for TANK REMOVAL, please note that the proper USE GROUP IS U and the CENSUS ITEM NUMBER is 649. Even if the tank is being removed from a residential structure, the permit is for the removal (demolition) of a tank, not of the residence. The use of the U USE GROUP more accurately reflects the work done. It also eliminates the need to account for a "lost housing unit" when what was demolished was the tank, not the house.

Remember, demolition permits apply to the demolition of an entire structure. Gutting, or the complete removal of interior space in a structure, which is sometimes called "demolition", is actually an alteration to the structure.

Source: Larry Wolford
UCCARS Program
Division of Codes and Standards

Two Appointments Equal Tenure

Let's say that you are a construction official or a subcode official in a noncivil service municipality. Your four year appointment is coming to an end and you hear nothing about being reappointed. You work one or two weeks beyond the expiration of your four year appointment and you assume, pursuant to *N.J.S.A.* 52:27D-126, that you now have tenure in your position. You would be wrong because of a recent Appellate Division decision which I will now discuss.

The Appellate Division case involved a construction official who claimed tenure based on the above set of circumstances. The municipality, which notified the official eleven days after his 4- year appointment expired that he would not be reappointed, argued that, under the statute, the phrase "on or after a fifth consecutive year of service including years of service in an equivalent job title" applied only to "grandfather in" those officials who worked in equivalent job titles prior to the enactment of the Uniform Construction Code and did not automatically grant tenure to holdover officials.

It is thus clear from the decision that tenure is now only conferred upon a second four year appointment and the "brief holdover thus acquiring tenure" approach no longer has any validity. However, all is not lost for those officials nearing the end of their initial four year appointments in noncivil service municipalities. Under the amended *N.J.A.C.* 5:23-4.4(a)9, a municipality is required to give notice 30 days prior to the expiration of the four year term as to whether the official is to be reappointed. If notice is not given and no other action is taken by the municipality, the official shall be deemed to have been appointed to serve in an acting capacity for not more than 60 days. Prior to the expiration of the 60 day period that follows the expiration of the four year term, if the official is neither reappointed nor given written notice that he or she is not being reappointed the Department shall not extend the acting appointment and the official shall be deemed to have been reappointed, such reappointment being effective retroactively to the date of expiration of the prior four year term. Thus, if a municipality does nothing and ignores the above procedures, it could find itself with a tenured official not of its choosing.

Since the case discussed above may be appealed to the New Jersey Supreme Court and involved a situation that occurred prior to the amendment of the regulations, there may be further developments in this area. If you wish to discuss your particular tenure situation, you are encouraged to call me at 609/530-8838.

Source: Robert Hilzer, Esq.
Bureau of Regulatory Affairs

BOCA Membership

The responsibility for keeping track of municipal BOCA memberships has recently been transferred to the Office of Fiscal Services in the Division of Codes and Standards. This office will be working in conjunction with the Bureau of Regulatory Affairs to update the BOCA membership list. Your municipality will be contacted soon to provide the names of current municipal BOCA members, and we will be updating the list every six months. In the meantime, any changes that occur should be sent to:

Department of Community Affairs
Division of Codes and Standards
Office of Fiscal Services
CN 802
Trenton, NJ 08625
ATTN: Joanne McDonald

Changes can also be faxed to 609/633-6729. Please do not forward any information directly to BOCA. If you have questions, you can contact me at 609/292-7898.

Source: Joanne McDonald
Office of Fiscal Services
Division of Codes and Standards

New Jersey Register Adoption

Date: 2/18/97

Adoption: 29 NJR 550(a) Elevator Safety Code: Accident Reporting
Adopted New Rule: *N.J.A.C.* 5:23-12.11; Adopted Amendments: *N.J.A.C.* 5:23-4.5; adopted 1/14/97, effective 2/18/97, operative 5/19/97.

Summary: A new rule adopted at *N.J.A.C.* 5:23-12.11 requires construction officials to report elevator accidents to the Department of Community Affairs. To accomplish this, a new form F326 - Accident/Incident Report has been adopted under *N.J.A.C.* 5:23-4.5. The revisions to two other forms, F190 Permit Update and F260 Certificate, have also been adopted under the same section.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

Building Safety Conference
May 7 – 9, 1997

Conference Events

Wednesday, May 7, 1997

9:00AM–3:00PM	Golf Outing — *Mays Landing Country Club*
4:00PM–7:00PM	Registration — *Convention Headquarters*
6:00PM–7:30PM	Crackerbarrel — *Grand Ballroom* (Roundtable Discussions)

Thursday, May 8

6:15AM–8:00AM	Breakfast – *Grand Ballroom*
6:30AM–8:30AM	Registration – *Convention Headquarters*
8:00AM–11:45AM	Educational Programs
12:00PM–2:00PM	Awards Luncheon – *Grand Ballroom*
2:00PM–4:00PM	Educational Programs
4:00PM–5:00PM	Association Meetings *(if scheduled)*
6:00PM–7:30PM	Awards Reception — *Grand Ballroom*

Friday, May 9

6:15AM–8:00AM	Breakfast – *Grand Ballroom*
6:30AM–8:30AM	Registration — *Convention Headquarters*
8:00AM–1:00PM	Educational Programs

Spouse's Program

Wednesday, May 7, 1997

4:00PM–7:00PM	Registration — *Convention Headquarters*
6:00PM–7:30PM	Welcome Session — "Color Me Beautiful, Looking Your Best" — *Diamond D*

Thursday, May 8

6:15AM–8:00AM	Breakfast – *Grand Ballroom*
6:30AM–8:30AM	Registration – *Convention Headquarters*
9:00AM–4:30PM	Lenox China Factory Tour, Noyes Art Museum, Luncheon at Ram's Head Inn
	or
12:00PM–2:00PM	Awards Luncheon – *Grand Ballroom*
6:00PM–7:30PM	Awards Reception — *Grand Ballroom*

Friday, May 9

6:15AM–8:00AM	Breakfast – *Grand Ballroom*
10:00AM–11:30AM	"Wellness as a Way of Life" — *Grand Ballroom B*

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Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 9 Number 2

Summer 1997

Zoning, Group Homes, and the Construction Code

In a recent decision, *The ARC of New Jersey, Inc., et al.* v. *The State of New Jersey,* a Federal Court declared unconstitutional the provisions of the Municipal Licensing Use Law (MLUL) that would allow municipalities to adopt a zoning ordinance requiring a conditional use permit for group homes for the developmentally disabled or mentally ill that are licensed by the Department of Human Services. The court held that those group homes are permitted as of right under the Federal Fair Housing Amendments Act of 1988.

The MLUL had permitted municipalities to adopt criteria for "conditional uses" for certain types of group homes, including community residences for the developmentally disabled with seven or more residents, to impose spacing requirements on these homes, and to limit the total municipal population living in these homes. With respect to community residences for the developmentally disabled or the mentally ill, these provisions of the MLUL have been voided. Whether the same determination would be made in a future case with regard to other types of group homes covered by this MLUL provision is uncertain.

The Department of Human Services only licenses group homes for the developmentally disabled or mentally ill with 15 or fewer residents. Accordingly, municipalities are not prohibited by the specific terms of this decision from classifying group homes not licensed by DHS as a conditional use when they house seven or more residents. It should be understood, however, that the status of group homes not licensed by DHS, or licensed by DHS and serving other populations, was not before the court, so it is a matter of conjecture as to how the court might rule with regard to these other types of facilities in any future case.

For code officials, this is a prior approval issue. Homes for the developmentally disabled or mentally ill with 15 or fewer residents that are licensed by DHS do not require any zoning prior approval to be located in any residential zone. This decision is narrow and applies only to these group homes. It is important for construction officials to recognize that since all zoning limitations on these DHS licensed group homes have been ruled invalid, there is no justification for holding up the issuance of a construction permit pending a zoning approval.

This decision did not address construction code issues. It dealt only with zoning, but a code official who delays the issuance of a construction permit because the municipality has not revoked its ordinance on conditional uses, spacing, and/or population cap,

(Continued on page 2)

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could be liable to charges of discrimination by residents of these group homes. The Federal Fair Housing Amendments Act made it clear that discrimination against people with disabilities includes actions that are paternalistic, which means that decisions are based on subjective judgments about people with disabilities, or actions that have the effect of discriminating, even though the decision is made with good intentions.

The Department has issued Bulletin 95-3, Congregate Dwellings, to provide guidance to code officials on reasonable code requirements for the change of use of an existing Use Group R-3 single family home to Use Group R-2 for use as a group home which, although not licensed, still has some government or private agency oversight. The zoning decision discussed in this article concerns licensed group homes, so Bulletin 95-3 is not directly relevant. But it does provide guidance on code requirements which can be applied to homes where the residents have the ability to self-egress in an emergency situation.

It is critical to remember that at this time all the court cases on group homes and the Federal Fair Housing Amendments Act of 1988 have dealt with zoning issues. None has directly addressed construction codes. We will continue to keep all code officials informed as other cases are brought and other court decisions are made.

Source: Division of Codes and Standards

New UL Recognition Expands Applications for Wood Structural Panel Wall Sheathing

It has been brought to the attention of the Department that Underwriters Laboratories, Inc. (UL) has promulgated a new fire-rated wall design that recognizes both oriented strand board (OSB) and plywood panels for wall sheathing in one-hour fire resistance rated, load bearing exterior wall assemblies.

The new fire resistance rated assembly (UL design U356), which will be published in the mid-year supplement to the 1997 UL Fire Resistance Directory, Volume 1, is a "one-sided" assembly which is rated for exposure from the interior face of the wall. For this assembly, 7/16" or thicker plywood or OSB wall sheathing is installed on the exterior face of the wall over studs spaced 16" on center. The wall sheathing may be installed horizontally or vertically. If panels are installed horizontally, all horizontal joints must be blocked. Any type of code approved exterior wall finish can be used. On the interior face of the wall, 5/8" type X gypsum wallboard is required.

As previously stated, this assembly is tested for exposure from the inside; therefore, it is not acceptable to use this design in a building which has a fire separation distance of 5 feet or less.

Any questions regarding this new UL designation should be directed to Sal Vuocolo, American Plywood Association, at 908/832-6144.

Source: John N. Terry
Code Assistance Unit

Premanufactured Construction

NOTE: This article is an update of the article in the Spring 1993 *Construction Code Communicator,* Volume 5, Number 1.

"Premanufactured construction" is a generic term for all types of factory-built construction. The attached chart gives the categories of premanufactured construction that are covered by the New Jersey Uniform Construction Code. The chart also lists the critical items in each category, which should be helpful in understanding the specific requirements. (Note that premanufactured construction which has been approved and certified — and carries the proper insignia of certification — in accordance with the New Jersey Uniform Construction Code is acceptable for installation in New Jersey.)

For the factory-built portion, any visible code violations (or, in the case of a mobile home, violations of the Federal Mobile Home Construction and Safety Standards) should be brought to the attention of the Department to ensure that action will be taken to correct the violations.

Manufactured homes (formerly called mobile homes) are built to Federal Mobile Home Construction and Safety Standards. Certified (labeled) mobile homes are not subject to requirements other than those of the Federal standards. Bulletin 88-2 and Bulletin 80-6 provide additional information, including a description of the requirements for certification, support and anchorage systems, and fire separation.

A construction permit is required for all on-site work related to installation of certified premanufactured construction. The on-site work includes, but is not limited to, assembly, foundation systems, external utility connections, and installations. The local municipal enforcing agency is responsible for the inspection and approval of all on-site work.

Questions relating to premanufactured construction should be directed to the Industrialized Buildings Unit at 609/530-8837.

Source: Paul Sachdeva, P.E.
Manager, Industrialized Building Unit

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Premanufactured Construction*

N.J.A.C. 5:23-1.4 and 2.22

	Manufactured (Mobile) Homes	M.H. Add-on Units	Building Elements	Industrialized/ Modular Buildings	Building Components
Definition/ Certification	*N.J.A.C.* 5:23-1.4 *N.J.A.C.* 5:23-4B.3(a)	*N.J.A.C.* 5:23-4B.3(b)	*N.J.A.C.* 5:23-4.26(a)	*N.J.A.C.* 5:23-4A.4 *N.J.A.C.* 5:23-4A.7	*N.J.A.C.* 5:23-4A.4 *N.J.A.C.* 5:23-4A.7
Acceptability	*N.J.A.C.* 5:23-2.22(a) *N.J.A.C.* 5:23-4B.5(a)	*N.J.A.C.* 5:23-2.22(a) *N.J.A.C.* 5:23-4B.5(b)	*N.J.A.C.* 5:23-4.26(a)	*N.J.A.C.* 5:23-2.22(a) *N.J.A.C.* 5:23-4A.3(b)	*N.J.A.C.* 5:23-2.22(a) *N.J.A.C.* 5:23-4A.3(b)
Construction Standards	Federal M.H. Construction and Safety Standards Part 3280 (latest edition October 1994)	NJ UCC/M.H. Subcode *N.J.A.C.* 5:23-3.19	NJ UCC *N.J.A.C.* 5:23-4.26(a)	NJ UCC *N.J.A.C.* 5:23-4A.5	NJ UCC *N.J.A.C.* 5:23-4A.5
Insignia (Label) Requirement	Federal M.H. Insignia *N.J.A.C.* 5:23-4B.5 3280.11	NJ DCA M.H. add-on insignia *N.J.A.C.* 5:23-4B.7(c)	none *N.J.A.C.* 5:23-4.26(a)	I.B.C. insignia Part IV Section 4 of UAP**	I.B.C. insignia Part IV Section 4 of UAP**
Assembly/ Installation at Site	on-site work (foundation, etc.) plans and specs signed and sealed by N.J. P.E. or R.A.*** *N.J.A.C.* 5:23-2.15(e)1.vii	on-site work (foundation, etc.) plans and specs signed and sealed by N.J. P.E. or R.A.*** *N.J.A.C.* 5:23-2.15(e)1.vii	plans and specs signed and sealed by N.J. P.E. or R.A.*** *N.J.A.C.* 5:23-2.15(e)1.vii	on-site work (foundation, etc.) plans and specs signed and sealed by N.J. P.E. or R.A.*** *N.J.A.C.* 5:23-2.15(e)1.vii	plans and specs signed and sealed by N.J. P.E. or R.A.*** *N.J.A.C.* 5:23-2.15(e)1.vii
Required Inspections by Local Municipal Enforcing Agency	*N.J.A.C.* 5:23-2.22 1. visible signs of damage 2. visible code (federal standards) violations 3. all on-site work I/C assembly, installation, external utility systems, foundation, etc. 4. non-destructive testing (not mandatory)	*N.J.A.C.* 5:23-2.22 1. visible signs of damage 2. visible code (federal standards) violations 3. all on-site work I/C assembly, installation, external utility systems, foundation, etc. 4. non-destructive testing (not mandatory)	*N.J.A.C.* 5:23-2.22 1. visible signs of damage 2. visible code (UCC) violations 3. all on-site work I/C assembly, installation, external utility systems, foundation, etc.	*N.J.A.C.* 5:23-2.22 Part IV Section 6(B)&(C) of UAP 1. visible signs of damage 2. visible code (UCC) violations 3. all on-site work I/C assembly, installation, external utility systems, foundation, etc. 4. non-destructive testing (not mandatory)	*N.J.A.C.* 5:23-2.2 Part IV Section 6(B)&(C) of UAP 1. visible signs of damage 2. visible code (UCC) violations 3. all on-site work I/C assembly, installation, external utility systems, foundation, etc. 4. non-destructive testing (not mandatory)

* Premanufactured construction is a generic term used for factory-built construction.

** U.A.P. — Uniform Administrative Procedures of Industrialized Buildings Commission (I.B.C) adopted by reference per *N.J.A.C.* 5:23-4A.10.

*** Requirements for sealed plans waived in case of a homeowner building his own private residence — *N.J.A.C.* 5:23-2.15(e)1.vii.

What Is Multi-functional Play Equipment?

Although code officials do not enforce the accessibility provisions of the Barrier Free Recreation Subcode, it may be helpful — even interesting — to have some information explaining some of its provisions. Because of the size of some structures, code officials may require permits for multi-functional play equipment, so this topic seems a good place to start.

"Multi-functional play equipment" means play equipment that is designed to provide multiple play activities or experiences, such as, but not limited to, swinging, jumping, sliding, and climbing. (*N.J.A.C.* 5:23-7.3)

Multi-functional play structures might be complex wooden structures or small, brightly colored simple structures for toddlers. The small structures may have three or four play activities, whereas large structures may include 40 or more play events.

The play activities incorporated into multi-functional play structures may include, but are not limited to:

- Climbing may be provided by arched chains of various sizes, inverted climbers, step ladders, stairs, curly climbers, chain net, pipe climber, loop climber, pommel climber, or ropes.
- Upper body exercise is made possible by including horizontal ladders of various shapes, such as the "C" or "S" arch or wavy or bowed ladders. Chinning bars, turning bars, and parallel bars also provide for upper body exercise.
- Balance events may be experienced through the inclusion of balance chains, varied bridge formations, balance beams of different sizes, lengths, and widths, or log rolls.
- Enclosures give children the opportunity to crawl and explore crawl tunnels (both single and double) that are available in numerous configurations.
- Talk Tubes are the 90's version of the old tin can and string 'phone system'.
- Theme Panels, such as castles, frontier forts, ships, or villages may provide a central theme aimed at merging the play functions into one common play experience. The theme is limited only by the children's imaginations.
- Activity Panels include bubble panels, mirror bubble panels, window panels, tic-tac-toe panels, animal panels, spelling panels, math panels, counter panels, door panels, seat panels, abacus panels, sign panels, jungle maze panels, dinosaur maze panels, find-the-face panels, and ringer maze panels. Most panels can be placed above and below deck and others can be placed deck to deck. Although some panels may require activity, most constitute a passive activity, and therefore do not qualify as play activities.

Access is required onto the play structure. Think about it. It makes sense. After all, it would not be much fun to be able to get to — but not onto — the play structure. Access may be provided by ramps, transfer points, or transfer platforms. The elements that provide access onto the multi-functional play structure are not considered play activities.

It is the responsibility of the manager of the park or play facility to be sure that multi-functional play equipment is accessible to and usable by all children, whether the children are able-bodied or disabled. The Barrier Free Recreation Subcode requires that 25% of the play activities on a play structure be accessible and that the manufacturer provide verification that equipment designed, marketed, and sold as "accessible" is actually usable by children with disabilities.

Questions about accessible recreation should be directed to me at 609/530-8788.

Source: Gail R. Weikel
Code Development and Assistance Unit

Omega Sprinkler Heads

It has come to the attention of the Department that Omega series sprinkler heads manufactured by the Central Sprinkler Company may fail to operate at the design pressure. These heads, produced between 1983 and June 1996, include a rubber (EPDM) O-ring. Contact between the O-ring and hydrocarbons found in petroleum-based substances can cause the O-ring to swell and increase the pressure required to operate the sprinkler.

No *new* installation using Omega sprinkler heads manufactured before June 1996 should be permitted. At that time, the company switched to a silicone O-ring. The date of manufacture is stamped on the barrel of the head. Central Sprinkler Company recalled all the sprinkler heads in question from distributors and warehouses, but it is possible that some installers still have them.

For existing sprinkler systems installed using Omega series heads, Central Sprinkler Company is recommending that the sprinkler heads be tested and is offering to provide this testing. (Note: Because "stop leak" products also affect the operation of the heads, if testing reveals the presence of stop leak in the system, Central will not retrofit any heads that fail to operate at the design pressures.)

The Department is gathering additional information to determine what action, *if any,* local officials should take on existing installations. In the meantime, local code enforcement officials should ensure that no new installations are made using these Omega series heads and should advise anyone who asks that existing systems that were installed with these heads should be tested. (In addition to Central Sprinkler Company, Underwriters Laboratories and the Consumer Product Safety Commission are also conducting tests on these sprinkler heads.)

For additional information on which heads are involved and on Central's testing of them, please call Central Sprinkler Company at 1-800-523-6512, Kip Bilo (ext. 125) or Andy Post (ext. 357). If there are any other questions, please call the Code Assistance Unit at 609/530-8793.

Source: Amy Fenwick Frank
Section Chief
Code Development and Assistance Section

What Is a State Building?

What is a State building? The Uniform Construction Code Act requires that construction permits for State buildings be issued by the Department of Community Affairs and that inspections of those buildings be performed by State employees. But, what is a State building? It is a building situated on State property or owned by the State of New Jersey and it includes buildings owned by an autonomous State agency, such as New Jersey Transit.

There have recently been some errors made where local code officials issued permits and performed inspections on State buildings located on State property in their municipality. Those officials should have contacted the State Buildings Unit. If any official has a question about where the jurisdiction lies, Bulletin 93-2 clarifies the issue. Bulletin 93-2 clearly states which level of government has the authority to administer the code for buildings or structures on State property.

The following is a list of some of the agencies whose construction projects are administered by the State Buildings Unit:

All Departments of the State Government

New Jersey Transit — Bus and Rail

University of Medicine and Dentistry of New Jersey

New Jersey Division of Military Affairs and Veterans Administration

New Jersey National Guard Armories

Kean College

Montclair State University

Rowan College

The College of New Jersey (formerly Trenton State College)

New Jersey Sports and Exhibition Authority

Jersey City State College

Ramapo College

William Paterson College

New Jersey Highway Authority/Garden State Parkway

New Jersey Turnpike Authority

South Jersey Seaport Corporation

South Jersey Transportation Authority/Atlantic City Expressway

Atlantic City International Airport

North Jersey District Water Supply Authority

New Jersey Department of Environmental Protection's clean up projects, such as the Combe Landfill in Chester and the Williams property in Cape May.

Questions on State Buildings may be directed to the State Buildings Unit at 609/530-8876.

Source: Michael J. Bruno
State Buildings Unit
Bureau of Construction Project Review

Charter Schools

A new type of school has been authorized by State law. Called "charter" schools, these schools are generally exempt from public school regulations. These schools receive funds through the local school board, but the local school board does not oversee them. They are administered by a process that includes the local school board and the Department of Education.

Recently, 17 of these schools were approved throughout New Jersey. In February, William Connolly, Director of the Division of Codes and Standards, wrote to the construction officials in each of the 17 communities to let them know how to apply the Uniform Construction Code (UCC) to this new kind of school and its buildings.

The charter schools are subject to the UCC. They must meet all the requirements of the UCC for construction, alterations, additions, or changes of use.

The charter schools are subject to all the administrative provisions of the UCC, including the payment of fees.

Generally speaking, charter schools are not subject to the State plan review. As with private schools, plan review is the responsibility of the local enforcing agency. Similarly, the charter schools are not subject to the additional code requirements for public schools.

The charter schools are subject to plan review by the State whenever the local enforcing agency is not classified for Class 1 or Class 2 work and the charter school project falls within the Class 1 or Class 2 category. All school buildings up to 14,400 square feet, two stories and 30 feet in height are Class 2 structures. Larger projects are Class 1.

If you have any questions, please call the Education Plan Review Unit at 609/633-0800 or the Code Assistance Unit at 609/530-8793.

Source: John Garcia
Education Plan Review Unit

What's New in the Uniform Construction Code Book?

GOOD NEWS!!! Beginning this summer, the Division of Codes and Standards will provide a summary sheet on the substance of changes to the Uniform Construction Code (UCC). This information will be included with your updates to make it easier to identify exactly which section of the code has been changed.

One note: This summary will not include case law changes or administrative changes. These are initiated by the Office of Administrative Law (OAL) and we are not made aware of them ahead of time. This summary will include changes to the code that are initiated by the DCA. We hope everyone will find it useful.

Source: Joanne McDonald
Fiscal Office
Division of Codes and Standards

16th Annual Building Safety Conference



Electrical Inspector of the Year

Richard Castellitto *(center),* Electrical Inspector of the Year, with Commissioner Jane M. Kenny *(left)*and Victor V. Timpanaro *(right),* President of the Municipal Electrical Inspectors' Association.



Elevator Inspector of the Year

Robert J. Carroll *(center),* Elevator Inspector of the Year, with Commissioner Jane M. Kenny *(left)* and William Connolly *(right),* DCA.



Fire Protection Inspector of the Year

***From left to right:* William Connolly, DCA, Commissioner Jane M. Kenny, Captain Robert A. Bendlin, Fire Protection Inspector of the Year, and Gary Lewis, President of the New Jersey Fire Prevention and Protection Association.**

Building Safety Conference Committee

***From left to right:* Richard Osworth, Kevin Luckie, Martin Vogt, Donald Metcalf, Susan McLaughlin, Robert Mittermaier, Gary Lewis, and Richard Marshall.**

The Building Safety Conference Committee wishes to thank all those who participated in the the 1997 Building Safety Conference of New Jersey.

1997 Awards — The "Best of the Best"



Plumbing Inspector of the Year

From left to right: Alexander Tucciarone, President of the New Jersey State Plumbing Inspectors Association, Commissioner Jane M. Kenny, Gerda E. Peterson, Plumbing Inspector of the Year, and William Connolly, DCA.



Building Inspector of the Year

From left to right: William Connolly, DCA, Commissioner Jane M. Kenny, Victor J. Dai, Building Inspector of the Year, and Ronald Estepp, President of the Building Officials Association of New Jersey.



Control Person of the Year

From left to right: Susan McLaughlin, DCA, Commissioner Jane M. Kenny, Dorothy Giesenhaus, Control Person of the Year, and William Connolly, DCA.



Plexvent, Ultravent, Cellvent, Cracked-vent?

Every so often, a product that is permitted under the code ends up having some problems. Fire retardant plywood, polybutylene pipe, and exterior insulation finish systems are a few that I can recall during my tenure at the Department. There could be a new addition to this list, high temperature plastic vent pipe.

This pipe is used to vent mid-efficiency gas appliances with positive pressure exhausts. This type of equipment is referred to as "category three" by NFPA 54. The equipment itself presents some unique design concerns for the venting system. Because these appliances fall somewhere between high efficiency appliances (where the exhaust is relatively cool and condensation is relatively high), and traditional appliances (where the exhaust is hotter and condensation is limited), the vent system must have properties that satisfy both the temperature and condensation concerns. Because of the condensation problem, the material must be corrosion resistant, which rules out most metals, and the product must be heat resistant, which rules out many plastics.

Manufacturers developed a high temperature plastic vent that meets both of these design concerns. This vent pipe has been marketed as Cellvent, Plexvent, Ultravent and possibly others. There have been a number of reported problems with these products. Reports include the pipe cracking, fittings coming loose, joints separating, or sealants for the joints degrading. The reports of these problems have led to a variety of actions on the part of the vent pipe manufacturers and the equipment manufacturers.

No one has been absolutely clear on the cause of these problems. The manufacturers of the vent products contend that part of the problem is the result of faulty installation. Failure to let the pipe expand and contract properly has been cited as one installation problem. In any case, the manufacturers have developed a second generation of these products. This second generation is made from a different resin, one that is reportedly more durable and more temperature resistant.

The manufacturers of the boilers and furnaces that use these high temperature plastic vents have reacted in a way that has some interesting code implications. These systems are discussed under section M-1203.1.1 of the Mechanical Code. Basically, the code allows the use of these vents as long as the equipment has been tested to be used with this vent system and as long as the equipment manufacturer allows the use of this vent product with its equipment. This is where it gets interesting. After the initial problems surfaced, many equipment manufacturers said that it was no longer proper to vent their equipment with these high temperature plastic vent pipes. This made the use of these high temperature plastic vents with that equipment a code violation.

With the development of the second generation plastics, some, but not all, equipment manufacturers have lifted their ban on the use of the high temperature plastic vents. Code officials should exercise caution when confronted with an installation using this type of product. It is important to check with the manufacturer to make sure that the installation is code conforming.

Another issue that confronts code officials is the retrofitting of vent systems that have failed. While some manufacturers will allow the replacement of the original plastic vent with the new generation of plastic vent, other manufacturers require that stainless steel pipe be used. Again, as with new installations, code officials should check with the manufacturer of the equipment to see what can be used.

On a broader note, the Consumer Product Safety Commission (CPSC) is working with the manufacturers to decide whether a recall is in order. So far, the CPSC is not aware of any serious injury or death caused by the product deficiencies. They are recommending, however, that homeowners who have had this product installed check the condition of the product. In an effort to get a handle on the scope of the problem, the CPSC would like to know where there are failures. The CPSC can be reached at 301/504-0626 ext. 1344. The CPSC will accept reports of problems and will also provide information.

Source: Mike Baier
Code Assistance Unit

Permit Fee for Structures of Use Group A-5

What permit fee should be charged for a stadium, bleachers, or similar structures of Use Group A-5? The common answers are: "I've never gotten a project like that," "flat fee," "some dollars per seat," or "total cost of construction" because you can't calculate the volume. Although these answers offer a response to the question, none of them is the best answer. The Code Assistance Unit has researched this issue and concluded that the most reasonable basis for the fee calculation for these types of structures is the volume.

The next question is: How do you calculate the volume of the variable shapes that are enclosed underneath such structures? The answer is: It is difficult, but not impossible. In this age of technological growth, the computer can do it for you.

The formula for volume calculation is the area multiplied by the average height of any particular shape; rectangular, triangular and trapezoidal are the areas most frequently encountered. The basic data from the plan are fed to the computer and the computer performs the calculations for you. You then have the total volume.

If you do not have a computer program or a math co-processor that can perform the calculations, the architect should be asked to submit a computer generated calculation. You may be thinking: How do I check the answer? To that, I would respond, the same way you check the hydraulic calculations for sprinklers or energy load calculations — by verifying the basic parameters. The same approach should work with the computer-generated calculations; check the basic dimensions of the shapes with the plans.

Because it is difficult to calculate the volume of these A-5 structures, the Department has not specified a fee calculation

procedure at *N.J.A.C.* 5:23-4.20. As a result, controversies have arisen over determining the proper basis for the fee calculation. A "flat fee" is obviously too low and a fee based on "cost" or "seating capacity" can be too high. Thus, the volume of seating, concessions, and similar spaces provides a reasonable basis for a fee that covers the cost of plan review and inspection. It is particularly important to note that the calculation does not include the field. The Department plans to amend its fee schedule to include A-5.

Code enforcing agencies are advised to base the permit fee on the volume of A-5 structures. If there are any questions, please contact the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

Computer Based Testing Is Coming

Beginning in February 1998, the National Certification Program for Construction Code Inspectors (NCPCCI) will give its tests on computers. The change from paper and pencil tests to Computer Based Tests will allow the NCPCCI to offer more flexibility in scheduling the tests and greater test security, and will also make it possible for the test taker to get the results immediately.

There are many of us who cannot imagine taking a test on a computer. The familiar paper and pencil test just seems much more familiar and, therefore, much better. But, the test itself will be very much the same. There will be the same number of questions (50). There will be a way to mark the questions you want to look at again. There will be a way to move back to a previous screen and review the questions you have already answered. There will be a way to change your answers.

Perhaps most importantly, for those of us who are not all that familiar with a computer, there will be a tutorial available before the test so that you can get used to moving the cursor by using the mouse. The Chauncey Group (it used to be the Educational Testing Service (ETS)) staff has experience with other professional testing programs and the test candidates have reported that they have found the pre-test computer tutorials very helpful. Even test takers who had practically no computer experience said that the tutorial helped them understand how to use the mouse to mark the answer. Everyone liked the fact that when the test was over they did not have to wait six weeks for the results.

Important Dates to Remember:

November 15, 1997	The last paper and pencil NCPCCI examinations.
February, 1998	Computer Based Testing starts for all NCPCCI tests
February, April, June, August, October, December, 1998	Computer Based Tests will be given during these months

Important Facts to Remember:

The registration process will be like the paper and pencil registration process. You will register with the Chauncey Group. You will be sent an authorization ticket. Then (this is new), you will call the telephone number given on your form and make an appointment to take the test(s). You can make an appointment that is convenient for you.

During the months of February, April, June, August, October, and December, the testing center will be able to schedule you during the "window" (time set aside) for these NCPCCI tests. In each of these months, there will be a testing window of seven days. This means that any day during the week that these tests are given — from one Saturday to the next Saturday (except Sunday) — you can take your test at a time and on a day in that week that works best for you.

You may bring in appropriate reference materials, just as you always could. You will receive your score report on the screen as soon as you finish the test. You will also receive a paper copy of your score.

Cost

The cost of the Computer Based Testing is a $60 registration fee and a $45 fee for each examination. (This means that if you want to take two examinations, you would send $60 registration fee and $90 for the two tests ($45 × 2), which will mean a total of $150 for the two tests.

Where are the testing centers?

In New Jersey, they are in East Brunswick, Fair Lawn, Hamilton, Princeton, Toms River, and Verona. There are also testing centers in New York and Pennsylvania — and they will also give these tests, if their locations are more convenient for you.

Exactly what tests will be given by computer?

Building One and Two Family (1A)
Building General (1B)
Building Plan Review (1C)
Electrical One and Two Family Dwelling (2A)
Electrical General (2B)
Electrical Plan Review (2C)
Fire Protection General (3B)
Fire Protection Plan Review (3C)
Mechanical One and Two Family Dwelling (4A)
Mechanical General (4B)
Mechanical Plan Review (4C)
Plumbing One and Two Family Dwelling (5A)
Plumbing General (5B)
Plumbing Plan Review (5C)
Elevator (6B)

This article serves as an introduction to the NCPCCI computer based testing program. If you have questions, you may contact the Chauncey Group at the following address: The Chauncey Group, NCPCCI, Post Office Box 6508, Princeton, New Jersey 08541-6508.

Sources: Pamela Duris, The Chauncey Group
Emily Templeton, Code Development/DCA

Issuance of Cut-In Cards

It has been brought to the attention of the Department that there is a lack of uniformity in the procedures that are followed to deliver cut-in cards to electrical utilities. There are instances where cut-in cards are handed over to the electrical contractors, general contractors, or others for delivery to utilities. In some instances, cut-in cards have been left on the the construction sites to be picked up by others. The handling of the cut-in cards in this manner delays the introduction of electrical power which is vital for any project.

Under no circumstances should cut-in cards be handled in this manner. Utilities do not accept cut-in cards from people such as contractors or customers. Cut-in cards must be hand-carried or mailed to the utility by the local electrical subcode official. However, to expedite electrical service, cut-in cards may be faxed to the utility by the enforcing agency provided the utility agrees. The original must then be sent or delivered to the utility company.

Source: Ashok K. Mehta
Code Assistance

UCCARS and Certificate Activity

N.J.A.C. 5:23-2.23 requires that all permits be closed through the issuance of a Certificate of Approval, Certificate of Occupancy, or Lead Abatement Clearance Certificate. In accordance with the regulations, towns using UCCARS or UCCARS-like software shall enter the certificates into the system and transmit such data to DCA. If the municipality has not issued any certificates over the course of a month's period, the municipality will need to forward a written report stating that no certificates were issued. The report should be sent to the following address:

State of New Jersey
Department of Community Affairs
Division of Codes and Standards
CN 802
Trenton, NJ 08625-0802

Source: Larry Wolford
UCCARS Unit
Division of Codes and Standards

UCCARS and Windows 95

UCCARS will run under Windows 95 with no apparent problems. As with all software, the program must be properly shut down by fully exiting the program. The use of Plug and Play modems with Windows 95 does present problems. Not all Plug and Play modems can be used with DOS-based software such as Crosstalk XVI for DOS, the communications software for UCCARS. The supplier of the modem must set up the modem with hardware jumpers to make the modem available to DOS-based programs. There are modems that do not work with DOS-based programs and, therefore, do not work with the UCCARS software. When purchasing a computer, be sure that the vendor guarantees that the modem will work with Crosstalk XVI for DOS. Also, you should require the vendor to set up the modem in Crosstalk and attempt to SEND DATA TO DCA.

You may have your vendor contact DCA at 609/984-0040 if there are problems setting up the Crosstalk XVI software.

Source: Larry Wolford
UCCARS Unit
Division of Codes and Standards

DCA Training Fee-Exempt Permits and UCCARS System I Version 3.10

The recent release of UCCARS System I Version 3.10 tackles a problem that has plagued UCCARS towns and DCA alike for many years. It is the handling of permits that are either exempt from DCA Training Fees or have a computed training fee equal to zero.

It is current State policy that the following permits shall be considered exempt from DCA Training Fees: Public Buildings, Demolition, Lead Abatement and Asbestos Removal. In addition, alterations, renovations or repairs where the work value is less than $625 will result in a calculated training fee of zero (0). This is because these permits compute to $0.49 or less, and when rounded to the nearest whole dollar, equal zero (0).

Changes to UCCARS System I include two new fields, cubic feet of new construction and dollar value of alterations, under 'Exempt Fee Permits' on the Quarterly State Training Fee Report. There are also two new fields, 'Lead' and 'Asbestos', on the Permit Fee Log Input screen.

To ensure the correct calculation on the Quarterly State Training Fee Report, follow these guidelines when using the new fields of 'Lead' and 'Asbestos':

1. Each Lead Abatement permit and Asbestos Removal permit must be treated as an Alteration permit. Therefore, the field of 'Alteration' must be marked.
2. Each Lead Abatement and Asbestos Removal permit must be treated as a 'stand-alone' Alteration permit. If a permit is being taken out for work where Lead Abatement or Asbestos Removal is only part of the work being performed, treat the Lead Abatement and/or Asbestos Removal as a permit update and treat the 'other' work as the original permit (see below).
3. Both 'Lead' and 'Asbestos' cannot be marked on the same Permit Fee Log Input record.

Original Permit

Subtract the value of construction for any Lead Abatement and/or Asbestos Removal work from the overall value of construction. Enter this value in the field labeled 'Total Value of Constr'.

Calculate the value of the DCA Training Fee from the value in the field 'Total Value of Constr'. (Again, do not include any

work values for Lead Abatement and/or Asbestos Removal in this calculation.) Place this value in the field labeled 'DCA'.

Permit Update

The 'stand-alone' Lead Abatement and/or Asbestos Removal permit update(s) should have a value of ONLY the Lead Abatement and/or Asbestos Removal work entered in the field labeled 'Total Value of Constr'.

The State Training Fee for these permit types is zero, so enter (or leave) zero (0) in the field labeled 'DCA'.

By following the above guidelines, the process that produces the Quarterly State Training Fee Report is able to identify those Permit Fee Log records with exempt work values so as not to include those values in the calculation of Total Work Value but instead to include those values in the new calulation for Total Exempt Work Value.

Also, for Demolition permits, Public Building permits, and regular permits whose total value of construction is less than $625, please do not charge a DCA Training Fee, just enter zero (0) in the field labeled 'DCA'. The individual values of 'cu ft' and 'Total Value of Constr' from these state training fee exempt permits will now be summarized on the Quarterly State Training Fee Report.

Source: Jack Moticha
UCCARS Project Manager
Division of Codes and Standards

Common UCCARS Data Transmission Problems and Their Remedies

PROBLEM:

- Modem dials, but does not connect, or
- Modem dials, but script does not execute, or
- Modem dials, "Waiting for strings" message appears, or
- Modem dials, (1 Ring) message appears.

DIAGNOSIS:

Modem is improperly set up in Crosstalk XVI.

[NOTE: System I users: Crosstalk XVI is found in the uccars.cmm subdirectory of uccars. System II users: Crosstalk XVI is found in the xtalk directory.]

SOLUTION:

(1) Enter Crosstalk XVI by typing xtalk in the uccars.cmm subdirectory or xtalk directory.
(2) Select the file setup.
(3) Press the enter key in all screens until you get to the select modem type. If your modem is not on the list, experiment with the available files or use the other modem not listed and, using the manual from the modem, input the required information.

PROBLEM:

Modem times out. (Clock counts down seconds before modem can dial.)

SOLUTION:

(1) Edit the UCCSEND.xtk and UCCRBBS.xtk files in the uccars.cmm subdirectory or the xtalk directory.
(2) Change the r45/300 line to r45/3000.

If other problems persist, please call Larry Wolford at 609/984-0040 for assistance.

Source: Larry Wolford
Division of Codes and Standards

Program Assistant Positions Available

Rutgers University's Center for Government Services is seeking Program Assistants to service the Uniform Construction Code courses throughout New Jersey.

These individuals will be expected to make sure that the code officials who are attending the classes are checked in, the appropriate forms are returned, the necessary audio-visual equipment is available and is set up (and works!), and any class handouts are distributed.

Applicants may express their interest in servicing classes held in a specific part of New Jersey or during a specific period of time. Program Assistants will be needed from August 26 through December 19, 1997 to service classes held during the Fall semester. They will also be needed from March through June 1988 to to service the Spring semester classes. Retired code officials are welcome!

Interested persons may call Marge McDonald at 908/932-3640 ext. 624 for detailed information.

New Jersey Register Adoption

Date: 5/19/97

Adoption: 29 NJR 2267(a) Uniform Construction Code: administrative correction regarding establishment of fees. Adopted amendments: *N.J.A.C.* 5:23-2.25.

Summary: The second sentence at *N.J.A.C.* 5:23-2.25 has been amended to end with the phrase "the permit or certificate"; "or" was inadvertently omitted in the previous adoption. This amendment provides for permit fee collection before the issuance of construction permit or the certificate of occupancy.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 9 Number 3

Fall 1997

Subchapter 6: The Rehab Subcode

For the past three years, the Department of Community Affairs, Rutgers University, and a committee of approximately 40 people have been in the process of developing a new code to deal with rehabilitation projects. This new code, which is scheduled to be adopted on January 5, 1998, will replace the 25/50 rule, the increase in size provisions, and the change of use section in the Uniform Construction Code (UCC).

The proposal for this new subchapter was published in the August 18, 1997 *New Jersey Register;* the public comment period extends through October 18, 1997 with public hearings scheduled on September 25, 1997 at Kean College, Union, New Jersey and on October 7, 1997 at Camden County Community College, Blackwood, New Jersey. A rigorous training effort is being developed to ensure that all code officials will be ready to apply the provisions of the Rehab Subcode as soon as it is adopted.

The six month grace period will apply to the adoption of this subcode, just as it does to the adoption of the other subcodes of the UCC. However, this new code will streamline, clarify, and make predictable the requirements for rehab, so we in the Department of Community Affairs believe that most design professionals and building owners will want to use it as soon as possible.

Source: John N. Terry
Code Assistance Unit

Copies of the Rehab Subcode proposal will be provided to working code officials at the training without charge. Additional copies may be obtained for a fee of $5 from

Division of Codes and Standards
P.O. Box 802
Trenton, NJ 08625

Checks should be made payable to **Treasurer, State of NJ**. Once adopted, the rehab subcode will be sent to all subscribers as part of the blue book.

Rehab Training — A Head's Up!

By the time you receive this issue of the *Communicator,* you may have received a letter from the Bureau of Code Services giving you information about the training sessions planned for this fall on the newly proposed Rehab Subcode.

As some of you may have heard, the Rehab Subcode is an entirely new approach to construction work in existing buildings. For some people, the thought of a new approach is challenging and exciting. For others, the prospect of tackling a whole new way of doing things is stressful and frustrating.

(Continued on page 2)

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Well, as the Rehab Subcode moves through the rule process, we in the Bureau of Code Services are preparing an extensive training program, which will be available to all working code officials during the training program this fall.

Working code officials will receive training first. Retired or non-working code officials will receive training next. The training will consist of a fall class in which the underlying premises of the rehab code will be explained and the categories of work will be actively discussed. In the spring 1998, follow-up workshops will be held to evaluate any problems and to discuss complex questions that may have arisen while enforcing this new subcode.

As always, we look forward to serving you and will keep you all informed as the plans to provide this training progress.

Source: Richard Z. Osworth
Chief, Bureau of Code Services

New Jersey One-Call

In the Summer 1995 *Construction Code Communicator* (Volume 7, Number 2), an article was published entitled the "Underground Facility Protection Act," which advised code enforcing agencies to treat the notification to the New Jersey One-Call Center as a prior approval for the issuance of footing and foundation or demolition/excavation permits. The Underground Facility Protection Act requires anyone who is planning to perform demolition or excavation work to allow utilities three business days to mark out their facilities; the project must then be started within ten business days of the One-Call Center notification. Sometimes advertised as "Call Utility Dig, 1-800-272-1000", this program directs you to let utility companies know that you are planning to dig. With underground utilities, it critical that New Jersey One-Call know the location of your project and that you know the location of the underground utilities.

Synchronizing the One-Call notification with the Uniform Construction Code (UCC) permitting process and the start of construction work has proven difficult. Because of the lapse in time that sometimes occurs between the issuance of a permit and the start of work, New Jersey One-Call staff asked that the policy of treating New Jersey One-Call notification as a prior approval for the issuance of a construction or demolition permit be discontinued. However, code officials may advise builders to make the call and obtain the necessary approvals for demolition or excavation before work begins.

Please call the Code Assistance Unit at 609/530-8793 with any questions.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

Elevator Devices — Permits, and Parties Responsible

This article updates an article that appeared in the Spring 1993 *Construction Code Communicator* (Volume 5, Number 1). This article is based on the Uniform Construction Code's (UCC) current requirements regarding the enforcement responsibilities of various subcodes when work on elevator devices requires a permit.

What type of work on elevator devices is subject to a permit?

The installation of new elevator devices, alteration of elevator devices, and minor work on elevator devices all require a permit. The installation or alteration of an elevator device requires the issuance of a permit before work begins. A construction permit (UCC Form F-170) or permit update (UCC Form F-190) are issued by the construction official upon receipt of approvals from all subcode officials involved.

What subcodes are involved in the permit process?

With the exception of the installation of a new elevator device (which is always subject to multiple subcodes), work that requires a permit may or may not include more than one subcode. To determine which subcodes are involved in the project — and, consequently, which UCC Technical Sections need to be submitted to the construction official's office — the scope of work must be identified by the applicant. Responsibility to enforce provisions of the various subcodes are in *N.J.A.C.* 5:23-3.4, where the plan review responsibilities and construction inspection functions of every subcode are listed.

Who is responsible for obtaining the permit from an enforcing agency?

Either the owner or the owner's agent (for example, a licensed engineer, registered architect or plumbing, electrical, or other contractor employed in connection with the proposed work) is responsible for obtaining the permit.

Is the elevator contractor allowed to obtain a permit (to act as a general contractor) for work on elevator devices when the work involves more than one subcode?

The answer is yes. An example may help explain this issue. A permit is required for the addition of firefighter service to an existing elevator as well as for the installation of fire alarm devices to initiate automatic recall of the elevator. The elevator contractor may be authorized by the owner to be the agent responsible for obtaining a permit for the entire scope of work. In this case, the elevator contractor will submit to the enforcing agency the application for a permit and the elevator subcode technical section.

The elevator contractor must also ensure that the fire protection technical section is prepared and submitted by the contractor who installs the fire alarm initiating devices.

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Who is responsible for submitting the electrical subcode technical section when the work on an elevator device includes tasks that are within the electrical subcode officials' responsibilities as delineated in N.J.A.C. *5:23-3.4?*

When work relating to the elevator devices includes electrical tasks that require a licensed electrical contractor, the electrical subcode technical section should be prepared and signed by the licensed electrical contractor.

When work relating to the elevator devices includes electrical tasks that *do not* require a licensed electrical contractor, such as work in elevators and escalators which is exempt electrical work pursuant to the Electrical Contractors Licensing Law, this work may be included on the elevator subcode technical section by the elevator contractor.

Whose responsibility is it to submit the electrical subcode technical section when work proposed is limited to the tasks of the elevator contractors, but require inspections by the electrical subcode officials?

An example might help explain this issue. Suppose that an elevator is located in a hazardous area (NEC-1995, sections 620-638) and work is limited to the elevator contractor's work on the equipment and wiring located on the underside of the elevator car platform. Since the requirements of NEC 620-38, Electric Equipment in Garage and Similar Occupancies, are enforced by the electrical subcode official, the elevator contractor needs to submit the elevator subcode technical section and the electrical subcode technical section to the enforcing agency.

If there are any questions, please contact me at 609/530-8833.

Source: Paulina Caploon
Elevator Safety Unit
Bureau of Code Services

The Elevator Inspection Form and Maintenance Issue

The Elevator Safety Unit has been asked to provide guidance on the Elevator Inspection form regarding what type of violations should be addressed in the routine maintenance sections of the form. To formulate guidance, the Uniform Construction Code (UCC) rules and the technical standard referenced in those rules have been consulted.

According to *N.J.A.C.* 5:23-12.2(b), all operating and electrical parts and accessory equipment of elevator devices shall be maintained in safe operating condition. The maintenance of elevators, dumbwaiters and escalators shall conform to the most recent edition of ASME A17.1 referenced in the building subcode. Presently, ANSI/ASME A17.1-1990 is the referenced standard.

ASME A17.1-1990, Section 1206, entitled "Maintenance", outlines various maintenance tasks, for example:

1206.2c Top of Cars. The tops of cars shall be kept clean and free from oil or grease and shall not be used for storing lubricants. Material not required for the operation of the elevator shall not be stored or carried on top of the elevator car (see Rule 204.1g).

1206.2a Hoistways and Pits. Hoistways and pits shall be kept clean and free of dirt and rubbish and shall not be used for storage purposes. Water shall not be allowed to accumulate in pits.

Rule 1206.5 Maintenance of Hydraulic Elevators and Dumbwaiters 1206.5b(4). Valves and cylinders shall be kept properly packed and the packing glands shall be periodically tightened to prevent loss of the fluid.

Violations of requirements like these shall be noted in the applicable "routine maintenance" section of the elevator inspection form. The inspector will then provide on the Notice of Violation and Order to Terminate a clear description of the violation(s), including the applicable citation(s) from the rules.

Source: Paulina Caploon
Elevator Safety Unit
Bureau of Code Services

16 Gauge Pipe Columns

It has come to the attention of the Department that some code officials reject 16 gauge tubular steel, concrete-filled pipe columns for use in residential construction. According to these officials, Bulletin 88-4, Concrete-Filled Pipe Columns, does not permit the use of such columns. This statement is not correct. Bulletin 88-4 does permit the use of 16 gauge columns; it just conditions their acceptance upon test results. The Bulletin is primarily intended to restrict the use of substandard 16 gauge concrete-filled steel pipe columns.

Building Officials and Code Administrators (BOCA) Evaluation Services, Inc. has published Research Reports No. 91-11 and No. 93-36 on fixed length, 16 gauge tubular steel, concrete-filled column for structural support of floor girders in residential construction, Use Group R-3. For use groups other than R-3, special in-plant inspections are recommended.

The products evaluated are factory-fabricated pipe columns of 3 1/2 inch and 4 inch outside diameters and 5 feet to 14 feet in length with fixed top and bottom steel plates. Among other things, structural application of these columns requires builders to follow manufacturer's installation instructions and perform structural calculations on all loading aspects.

Code officials may accept 16 gauge concrete-filled steel pipe columns on the basis of test and evaluation reports and the supporting structural calculations. The research reports published in support of the product carry some limitations and use conditions. Code officials should carefully review and enforce such requirements.

If there are any questions or concerns about the 16 gauge pipe columns, please call the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

New Codes Are on the Way!

Well, it's about time! The 1996 editions of the model codes are on track to be adopted on January 5, 1998. The pre-proposal was published in the *New Jersey Register* on August 4, 1997. The proposal is expected to be published in the *New Jersey Register* on October 20, 1997.

For those of you who have been living in a cave for the last two years, the reason for the extra time for this cycle of code adoptions is the change that took place in the Uniform Construction Code Act. This change essentially "froze" the codes at the 1993 editions, while giving the Department of Community Affairs the ability to adopt any provisions of future model codes that are consistent with the intent of the Uniform Construction Code statute. To establish a new "base" code, the Department identified in the pre-proposal every change that took place between the 1993 editions of the codes and the new 1996 editions (1992 and 1995 CABO One and Two Family). This task was completed in the middle of 1997 and the Department has been moving forward with the adoption.

This adoption of model codes will differ from all previous adoptions because the Department of Community Affairs now has the authority to make technical changes to the model codes. In an attempt to make this process as painless as possible for all code users, upon adoption, the text of the amended sections will be printed in the Uniform Construction Code. This will make it easy to copy and paste the amendment into your code book.

Public comment on the proposal begins with the publication of the preproposal in the August 4, 1997, *New Jersey Register,* so if you have anything to say about the changes, please comment.

Source: John N. Terry
Code Assistance Unit

The following article is reprinted from the Spring 1997 Construction Code Communicator *(Volume 9, Number 1). The two sentences inadvertently omitted from that article are included here at the end of the second paragraph.*

Two Appointments Equal Tenure

Let's say that you are a construction official or a subcode official in a noncivil service municipality. Your four year appointment is coming to an end and you hear nothing about being reappointed. You work one or two weeks beyond the expiration of your four year appointment and you assume, pursuant to *N.J.S.A.* 52:27D-126, that you now have tenure in your position. You would be wrong because of a recent Appellate Division decision which I will now discuss.

The Appellate Division case involved a construction official who claimed tenure based on the above set of circumstances. The municipality, which notified the official eleven days after his four year appointment expired that he would not be reappointed, argued that, under the statute, the phrase "on or after a fifth consecutive year of service including years of service in an equivalent job title" applied only to "grandfather in" those officials who worked in equivalent job titles prior to the enactment of the Uniform Construction Code and did not automatically grant tenure to holdover officials. *The court in this case reviewed the legislative history of this 1979 amendment to the statute and adopted the argument of the municipality in its decision. It endorsed the holding below that the Legislature did not intend to "confer tenure upon a technicality" (the brief holdover period of service following the expiration of the four year appointment).*

It is thus clear from the decision that tenure is now only conferred upon a second four year appointment and the "brief holdover thus acquiring tenure" approach no longer has any validity. However, all is not lost for those officials nearing the end of their initial four year appointments in noncivil service municipalities. Under the amended *N.J.A.C.* 5:23-4.4(a)9, a municipality is required to give notice 30 days prior to the expiration of the four year term as to whether the official is to be reappointed. If notice is not given and no other action is taken by the municipality, the official shall be deemed to have been appointed to serve in an acting capacity for not more than 60 days. Prior to the expiration of the 60 day period that follows the expiration of the four year term, if the official is neither reappointed nor given written notice that he or she is not being reappointed, the Department shall not extend the acting appointment and the official shall be deemed to have been reappointed, such reappointment being effective retroactively to the date of expiration of the prior four year term. Thus if a municipality does nothing and ignores the above procedures, it could find itself with a tenured official not of its choosing.

Since the case discussed above involved a situation that occurred prior to the amendment of the regulations, there may be further developments in this area. If you wish to discuss your particular tenure situation, please contact me at 609/530-8838.

Source: Robert Hilzer, Esq.
Bureau of Regulatory Affairs

Barrier Free Enforcement: A Promise Kept

The *New Jersey Register* of May 19, 1997 included the adoption of three rule revisions that impact the enforcement of the Barrier Free Subcode.

First, the Barrier Free Subcode training has been made mandatory for all building subcode officials. Each building subcode official in a municipality must have taken this course by the end of the three-year licensing cycle that begins in July 1998. All courses taken since July 1, 1995 shall count toward meeting this mandatory training requirement.

Second, there are now two required Barrier Free Subcode inspections, one at framing and one which is part of the final inspection. There are spaces on the newly revised standard forms for a sign-off.

Third, site diagrams submitted with permit applications must include designations of the accessible route(s) for buildings required by the Barrier Free Subcode to be accessible.

Fourth, the enforcement of specific sections of CABO/ANSI A117.1 has been revised and clarified.

These changes have been made to enact Commissioner Kenny's promise in July 1996 to improve the enforcement of the Barrier Free Subcode, with particular emphasis on ensuring compliance with the provisions for accessible multi-family housing in both State and Federal laws. As the Department of Community Affairs has repeatedly stated, compliance with the Barrier Free Subcode should, by extension, give compliance with the Federal Fair Housing Act of 1988 because the Barrier Free Subcode meets all the provisions of Federal law, as well as the provisions of its own enabling legislation, which was passed in New Jersey in 1975.

These rules emphasize clarity of information as one of the key components of effective enforcement. John Terry and I look forward to seeing the building subcode officials in class!

In the meantime, if you have dimensional questions, please call John Terry at 609/530-8793. If you have scoping questions or questions about the interaction of State and Federal accessibility laws, please feel free to call me at 609/530-8788.

Source: Emily W. Templeton
Code Development

Levels of Living Space

In the Winter 1995 issue of the *Communicator* (Volume 7, Number 4), I wrote an article to clarify what constitutes a "multi-story dwelling unit." This term is critical in determining whether the dwelling units in a single structure are — or are not — required to be accessible.

A "multi-story dwelling unit" is a dwelling unit with "more than one level of living space." In the interest of returning some common sense to rules, regulations, and enforcement, there seemed no need to elaborate, and, fundamentally, that proved to be right. There have been no requests to redefine "multi-story dwelling unit." There have been requests, however — and there have been many — to define "more than one level of living space."

Well, living space is habitable space, space that can be lived in. More than one level of habitable space (it's a multi-story dwelling unit, remember) is habitable space of more than one story. That seems clear. In fact, everyone who has asked has agreed that bedrooms and family rooms are habitable, and, therefore, are "living space."

The problem seems to come with stating clearly what "living space" is NOT. Habitable space ("living space") is not a garage. It is not a bathroom in a garage. It is not a closet in a garage. The fact that some projects are submitted with these spaces identified as "living space" seems to result from a permit applicant's desire to qualify for the "multi-story dwelling unit" exemption in the Barrier Free Subcode. Some of these permit applicants assume that the code official, then, must prove that the space included as part of the garage is not "living space." That is not so. The person who designs a project to meet an exemption must provide plans that comply with the code; in other words, the applicant must ensure that the space provided on both stories of a multi-story dwelling unit is living space.

With the passage of the Federal Fair Housing Amendments Act of 1988 and the Americans With Disabilities Act in 1990, this country made a public policy determination to include, for all people, access to the built environment. New Jersey had made the same public policy decision much earlier — in 1975, the Barrier Free Subcode enabling legislation was passed. New Jersey was a national leader in accessibility when the Barrier Free Subcode regulations were first promulgated in 1977.

It is time to stop applying the Barrier Free Subcode with a loophole mentality; there are effective and valid exemptions in the Barrier Free Subcode. As someone who works with words, I believe that no language can cover each contingency of individual thought. Therefore, I suggest that it is now time to spend time (and time is money, as we all know) designing buildings available to all. The time spent trying not to include accessibility could be better spent designing an accessible building.

Let's all apply some intelligence to the words on the page. Let's return to common sense.

Source: Emily W. Templeton
Code Development

Barrier Free Recreation: Are Construction Permits Required?

The construction of recreational equipment may require a construction permit. The determination about whether a permit is required is made by the building subcode official. A permit might be required for a large, multi-functional piece of play equipment, for example. The permit, however, would be for footings; it would not include accessibility features. To date, there are no technical standards for accessible play equipment (although there are some "in the works"), so there is no objective way to decide whether the playground equipment is truly accessible. The recreation portion of the Barrier Free Subcode relies on the manufacturer to ensure accessibility.

A reliable manufacturer of playground equipment will provide detailed specifications for installing the equipment. The size, height, and weight of the equipment will dictate the installation specifications. If the manufacturer's installation specifications are ignored, any warranty will become invalid.

There is one part of the recreation portion of the Barrier Free Subcode where the code official enforces the accessibility provisions. The enforcement of all of the requirements for swimming pools, including the accessibility features, is the responsibility of the building subcode official (see *N.J.A.C.* 5:23-7.6).

If you have questions about the Uniform Construction Code's barrier free recreation requirements, please feel free to call me at 609/530-8788.

Source: Gail Weikel
Code Development and Assistance

Zoning and Manufactured Housing

The Department of Housing and Urban Development (HUD) announced in the May 5, 1997 edition of the *Federal Register* that there have been attempts by some municipalities to regulate or control the siting of manufactured homes by allowing only those built to a standard other than the HUD manufactured housing code.

HUD states that these controls are put in place by the adoption and enforcement of a zoning ordinance based only on a construction and safety code other than the HUD manufactured housing code. It is HUD's position that municipalities do not have the authority to do this.

In areas regulated by the federal government, the federal laws preempt any state or local building or development requirements.

If you have any questions about manufactured housing, please contact Paul Sachdeva at 609/530-8833.

Source: Emily W. Templeton
Code Development

New Jersey's License and BOCA's Certification

This article will be most helpful to those New Jersey licensed inspectors who have completed the certification tests rather than those licensed in the late 1970's and early 1980's before the testing program began.

The Department is getting numerous inquiries about whether New Jersey's Uniform Construction Code (UCC) licenses can be converted to Building Officials and Code Administrators (BOCA) certifications. The interest in this could result from the possibility of the adoption of BOCA as the statewide code in both New York and Pennsylvania, the reliance on BOCA certification in Virginia, or the new International Codes and speculation about their impact on certification.

The testing program used for New Jersey licenses and BOCA certification is the same. This program is the National Certification Program of Construction Code Inspectors (NCPCCI); it is administered by The Chauncey Group International, a for-profit testing company owned by the Educational Testing Service (ETS). While most of the tests are applied similarly, there are two major differences.

First, New Jersey has a fire protection license, whereas BOCA has no fire protection certification. In BOCA's certification program, fire protection is part of the building inspector and/or building plan reviewer's responsibility. An example may help explain the effect of this difference. If you have a New Jersey building inspector HHS license, you have completed tests 1A, 4A, 1B, and 1C. In applying the results of these tests to BOCA certifications, you would be able to obtain the CABO 1&2 Family building and mechanical inspector's certification (1A and 4A), but to obtain the BOCA building inspector certification you must also complete test 3B (fire protection general). To also obtain the BOCA building plan review certification, you must complete test 3C (fire protection plan review). Those with a fire protection HHS license (tests 3B, 3C, and 4A) could obtain the CABO 1&2 Family mechanical inspector certification, but would need to complete 1A (CABO 1&2 Family building) and 1B (building general) for the BOCA building inspector certification. To also obtain the BOCA building plan review certification, you must complete test 1C (building plan review).

Other New Jersey licenses also convert easily within the BOCA certification program. Plumbing and electrical ICS inspectors are eligible for BOCA plumbing and electrical inspector certifications. The HHS level licenses compare with BOCA's plan review certifications and someone who holds an elevator HHS license is eligible for the BOCA elevator inspector certification.

The second difference between New Jersey's licensure requirements and BOCA's certification program concerns the date the test was taken. New Jersey regulations allow a test to be used up to three years after it was successfully completed. BOCA has no time limit. Tests completed in the 1980's may still be applied to a BOCA certification.

One final point on BOCA certification: BOCA has a certificate maintenance (renewal) program similar to New Jersey's license renewal program. Certifications are renewed every three years with 15 hours of continuing education required for each certificate. Those with multiple certificates must complete a maximum of 45 hours of education for the three year period. All courses approved by the Department of Community Affairs are accepted by BOCA.

If you would like more information on the BOCA certification program call the BOCA Eastern Regional Office at 215/638-0554. They will be able to discuss your options with you and send you additional information on these certifications and the fire prevention and property maintenance certification program.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Code Services

Elevator Records Management 104

This article is devoted to the matter of certificate issuance when no payment has been received for elevator inspections.

While reviewing elevator records, I have noticed that sometimes when a municipality has not received payment, the certificate is withheld until payment is received. This results in an elevator operating in violation of *N.J.A.C.* 5:23-12.9(a) or (b), which states that no device shall be operated unless a valid Certificate of Compliance (CC) or Temporary Certificate of Compliance (TCC) has been issued.

Admittedly, many construction officials prefer that the Elevator Subcode Official manage elevator issues. But issuing the certificates and managing the fees are among the construction official's responsibilities.

The most effective way to deal with the matter is for the construction official to issue a 30 day TCC and an accompanying Notice of Violation/Order to Terminate (NOV/OTT) for non-payment and to cite it as such. After 30 days, if there is no response, the construction official should issue a Notice and Order of Penalty (also for non-payment), the penalty amount at your discretion, but within the cap set by the Uniform Construction Code. To bring about compliance, the construction official may also forward the matter to the attorney for the municipality or for the joint enforcement agency. A check is usually forthcoming in short order.

If there are any questions, please direct them to me at 609/530-8833.

Source: Phil van Leeuwen
Bureau of Code Services

Certification Program for Technical Assistant, Office of the Construction Official

The certificate program for the Technical Assistant in the Office of the Construction Official (TACO for short), which was implemented during the Spring of 1997, now has 315 people enrolled. The program has been well received, not only by the participants, but the municipalities as well.

The core curriculum has been expanded with new courses scheduled this fall. Brochures were mailed to those enrolled in the program.

If you would like more information on the program or a registration form, please call the Education Unit, Bureau of Code Services at 609/530-8798.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Code Services

New Jersey Register Adoptions

Date: July 7, 1997

Adoption: 29 *NJR* 2817(a)
Adopted amendment: *N.J.A.C.* 5:23-3.2.

Summary: N.J.A.C. 5:23-3.2(d) New sections 5.i and 9.iv state that in commercial farm buildings the building owner decides whether to provide electric service to the building. If the owner provides electricity, any electric light shall meet the means of egress lighting requirements unless the commercial farm building will be used as a place of public assembly. A commercial farm building with electrical service used as temporary places of public assembly must have a backup power source.

N.J.A.C. 5:23-3.2(e) has been recodified as *N.J.A.C.* 5:23-3.2(d)10 to clarify that the submittal of a sketch plan of the site in lieu of site plans signed and sealed by a registered architect or licensed engineer is permitted only for commercial farm buildings.

Date: July 21, 1997

Adoption: 29 *NJR* 3242(b)
Adopted amendments: *N.J.A.C.* 5:23-2.14 and 2.23; 1.6 and 4.19; 2.15, 2.18, 5.21, and 7.1.
Adopted new rule: 5:23-12.12.

Summary: N.J.A.C. 5:23-2.14 and 2.23 As Uniform Construction Code companion changes to the rules for lead hazard abatement on structures and in commercial buildings (*N.J.A.C.* 5:21-17.11), these amendments clarify that neither a permit nor a lead clearance certificate is required for that abatement work.

N.J.A.C. 5:23-1.6 The amendments at *N.J.A.C.* 5:23-1.6(a) and (b) clarify the grace period, which allows applicants to submit construction documents based upon the prior code for a period of six months following the operative date of a subcode revision.

N.J.A.C. 5:23-4.19(b)2 exempts asbestos and lead hazard abatement work from the State Training Fee.

N.J.A.C. 5:23-7.1(f) apportions Barrier Free Subcode enforcement responsibilities among subcode officials.

N.J.A.C. 5:23-5.21(d)5ii(1) requires building subcode officials to take a seminar on the Barrier Free Subcode.

N.J.A.C. 5:23-2.15(e)1i requires that a site diagram showing accessible routes be provided with the permit application.

N.J.A.C. 5:23-2.18(b)1ii(1) and (d)1 require two Barrier Free Subcode inspections (framing and final) for buildings required to be accessible.

N.J.A.C. 5:23-12.12 requires all existing elevators with an excessive amount of space between the elevator hoistway door and the car door to be retrofitted with safety guards.

Date: August 18, 1997

Adoption: 29 *NJR* 3721(a)
Adopted amendment: *N.J.A.C.* 5:23-2.25.

Summary: N.J.A.C. 5:23-2.25 deletes the reference to certificate of compliance and certificate of approval to coordinate with an earlier amendment to *N.J.A.C.* 5:23-4.18(f) preventing separate fees for such certificates.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

UCC Standard Forms

By this time, all local construction offices should have received the latest set of revisions to the UCC Standard Forms package along with a letter outlining the revised print specifications. Your office may use the existing forms in its inventory until they are gone, provided that, when the need arises, your existing forms are altered manually to accurately reflect new code requirements, such as Lead Abatement.

Watch out for corrected code citations and time limits, too. If an applicant should submit a recently revised UCC standard form to your office, you must accept it. UCC Standard Forms F330A and F340A, which relate to the Construction Board of Appeals, have been removed from the Standard Forms package.

With the evolution of UCCARS — and similar software programs — the print specifications for many of the standard forms are now recommended; they are no longer required. Please refer to the letter (dated June 30, 1997) that was included with your UCC Standard Forms packages for details.

For anyone who may be interested, the permit application file folder (UCC F100) may be letter or legal size.

If your office has not yet received this information, please contact me at 609/292-7899.

Source: Susan Woidill
Division of Codes and Standards

Do You Issue More Than 200 Permits per Year?

Do you? If so, *N.J.A.C.* 5:23-4.5(d)2 provides that any construction office that issues more than 200 permits per year shall submit all required monthly reports to the Department electronically.

If your office issues more than 200 permits per year and is not transmitting data electronically, please call the UCCARS Unit (at 609/292-7899) for assistance.

If you are interested in our UCCARS System, please contact this office for information on upcoming training sessions for both System I and System II. These sessions are free. All you need to become a UCCARS user is the required hardware, communications software Crosstalk XVI, and the one day training session. The UCCARS software is free. It's that simple.

If you are unable to comply with *N.J.A.C.* 5:23-4.5(d)2, you must submit a request for an extension of time in writing setting forth the reasons for such extension to: NJ Department of Community Affairs, Division of Codes and Standards, UCCARS Unit, PO Box 802, Trenton, NJ 08625-0802.

If you have questions or would like additional information, please do not hesitate to contact Team UCCARS at 609/292-7899.

Source: Susan Woidill
UCCARS Unit
Division of Codes and Standards

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Rehabilitation Subcode Is Adopted!!

On January 5, 1998, Subchapter 6 of the Uniform Construction Code, the "Rehabilitation Subcode" was adopted. With its adoption, the way to deal with existing buildings in New Jersey has changed drastically. A list of changes to the *proposal* which have been made for the *adoption* follows. This is not an exhaustive list, but includes the issues of greatest interest.

Several people who commented on the proposal asked the Department to include a specific size for egress windows in sleeping rooms of residential occupancies. This has been done. Although not as large as the egress window required in new construction, this window will provide the enhanced safety that was the concern of the commenters. You will find this requirement in each of the categories of work.

Other commenters focused on the structural sections of the proposed Rehab Subcode. In recognition of the impact of loads on specific construction types and also of the impact of loads on roofs with different slopes, language has been added to distinguish among wood frame, steel, and concrete construction as well as to differentiate between roofs with a pitch of 3 in 12 or less and those that are more steeply pitched. You can find this provision in each of the categories of work and in the structural sections of the Basic Requirements.

With these two major issues identified, the remainder of the changes will be identified in list form divided by section for clarity. You may consult the accompanying article for the list.

The Rehab Subcode is a whole new world. As with all subcode adoptions, the grace period applies, but it is likely that permit applicants will want to use this subcode immediately. Training will be available for code officials as well as for other code users. Please plan to attend, if you have not already done so. Phase I of the training is a briefing in which the framework of this subcode is explained and illustrated. Phase II provides an opportunity for code officials to discuss specific projects in a workshop format. In the meantime, if you have questions about how to apply this subcode to a project you are reviewing, call Code Assistance at 609/530-8793.

Source: John N. Terry
Code Assistance Unit

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Rehab Subcode: Changes Made Upon Adoption

The Rehab Subcode was the product of teamwork. A diverse committee chaired by the Center for Policy Studies at Rutgers University participated in compiling and reviewing the draft. Because the Rehab Subcode draft and the resulting proposal (which was published in the *New Jersey Register* on August 18, 1997) have been widely read and because so many code officials have already attended Phase I of the training program, the briefing session, the following list of changes to the Rehab Subcode proposal that have been made upon its adoption is being provided for information and convenience. The list is divided by section for clarity.

Section 6.1 Introduction

6.1(a) has been changed to clarify that this section is a guide to using the rehabilitation subcode and is not meant to be cited for enforcement purposes.

Section 6.2 Applicability and Compliance

6.2(e) has been amended to reference only Section 3408.6 of the BOCA National Building Code (BOCA), the specific part of BOCA Section 3408 to be used in a building evaluation. Language has also been added to clarify that this alternative is limited to building and fire protection requirements.

6.2(e) has been amended to clarify that the assignment of enforcement responsibility does not imply that a permit is required. The question of whether a permit is required continues to be as prescribed at *N.J.A.C.* 5:23- 2.

6.2(e) has been amended to reference the Barrier Free Subcode (*N.J.A.C.* 5:23-7) for enforcement responsibilities for accessible building features.

6.2 (g)3 clarifies the relationship between variations issued under the Uniform Construction Code (UCC) and compliance with Subchapter 4 of the Uniform Fire Code (UFC). This section now provides that the construction official consult with the fire official and requires concurrence if the fire official is also licensed as a fire protection subcode official.

6.2(g)6 includes the language from *N.J.A.C.* 5:23- 2 which states that licensed health care facilities are subject to applicable federal requirements.

Section 6.3 Definitions

A definition of "addition" has been added to clarify what is meant as this term is used in this subcode.

The definition of "alteration" has been amended to include an increase in ceiling height and to clarify what is meant by the phrase "affects a primary structural component."

Section 6.4 Repairs

6.4(a) emphasizes that there is no limit to the amount of repair work that may be undertaken. Additionally, on the list of items that are *not* repairs, the "removal or cutting of any primary structural component" has been rephrased to clarify what changes to a primary structural component are *not* repairs.

6.4(c) states which standard is to be applied as the threshold for structural strength, system capacity, and mechanical ventilation. Also, a sentence has been added to clarify that additional equipment or fixtures cannot increase loads beyond that which is permitted. These changes are also found in Sections 6.5(c), 6.6(c), and 6.7(c).

6.4(c)2 now states that fire protection systems cannot be "removed without replacement" to clarify that a building owner is permitted to remove and replace an existing system. The same change has been made in Sections 6.5, 6.6, and 6.7.

6.4(d)2 has been modified to add to the list of "products prohibited" carpet that does not meet the "Pill Test." This change is also made at 6.5, 6.6, and 6.7.

6.4(f) has been moved from 6.4(e)4 and a reference to the statute requiring battery-operated smoke detectors in residences has been added. The same change has been made in Sections 6.5 and 6.6.

Section 6.6 Alterations

6.6(e)4 has been amended to require the provision of an accessible entrance rather than a ramp in recognition of the fact that the construction of a ramp may or may not be necessary in the creation of an accessible entrance.

6.6 (e)9. has been amended to require hard-wired smoke detectors for newly created bedroom space.

Section 6.7 Reconstruction

6.7(a) has been amended to clarify that the code official requires compliance with the provisions for reconstruction where the project falls below the definition of reconstruction by a *de minimis* amount. A section has also been added to clarify how the requirements for reconstruction will be applied to a project undertaken in phases.

6.7(e)9 has been amended to provide for ceiling height requirements in previously unfinished spaces in Use Groups R-1 and R-2. Minimum ceiling height requirements currently exist in both the building subcode and in the Hotel and Multiple Dwelling Regulations .

6.7(f) has language added to clarify that in repair work undertaken in connection with a reconstruction project, materials that are the same as or similar to those existing may be used and to repeat that there is no limit to the amount of repair work that may be undertaken.

6.7(h) - The requirement that existing fire protection systems remain has been repeated here.

Section 6.8 Materials and Methods

6.8(d)10 - The language at the end of this subsection has been deleted because the concept of addressing hazardous conditions already is incorporated in Subchapter 2 of the Uniform Construction Code.

6.8(e) - The materials and methods requirements for the mechanical subcode, as proposed, reflected the Department's plans to

adopt the International Mechanical Code as the mechanical subcode of the UCC. In response to comments received on a separate proposal, the Department will not be adopting the International Mechanical Code at this time. Accordingly, the proposed mechanical subcode materials and methods requirements have been replaced with references to the existing mechanical subcode (1993 BOCA Mechanical Code).

Section 6.9 New Building Elements

6.9(a)2 has been added to clarify that there is also a requirement applicable to an increase in the number of stories in a building where there is no increase in building height.

6.9(a)17 has been added to address clearance requirements for new electrical equipment.

Section 6.25 Basic Requirements, Use Group R-1

6.25 (n) 6. has been amended to include one switch-controlled ceiling or wall outlet in a room and, when the work area includes a bathroom, one GFCI protected duplex receptacle outlet and one switch controlled lighting outlet in the bathroom.

Section 6.26 Basic Requirements, Use Group R-2

6.26(a)3 has been amended to clarify that, distinct from the egress window requirements contained elsewhere in this subcode, a basement window must have a *net clear opening* of five square feet to meet the requirement of a second means of egress.

6.26(a)5 - The term "guest units" has been changed to "dwelling units" since this section is Use Group R-2 and not Use Group R-1.

6.26(m)2 has a new subsection which provides that when a new light is installed, a switch should be provided and has added amended language for both Use Group R-2 and Use Group R-3/R-4 (Section 6.27(d)2).

6.26(s) - This section has been moved from 6.26A(h), Supplemental Requirements, renamed "Communicating Attic Spaces," and amended to clarify the intent of the requirement. The same change has been made to this requirement as it applies to Use Group R-3/R-4. (Section 6.27A(b) has been moved to Section 6.27.)

Section 6.27 Basic Requirements, Use Group R-3/R-4

Section 6.27(a) The requirements for smoke detection in dwelling units have been moved from the Supplemental Requirements to Basic Requirements because, in order to be considered a reconstruction, a project in a dwelling unit, by definition, must include the entire dwelling unit. Accordingly, Section 6.27A is deleted and its requirements moved to Section 6.27.

Section 6.30 Special Technical Requirements, All Use Groups

6.30(c) has been amended to add provisions for a damp suppression system in windowless stories of more than 3,000 square feet but less than 10,000 square feet as allowed under Subchapter 4 of the Uniform Fire Code.

6.30(g) has been amended to clarify the requirements for the provision of standby power for certain elevators.

Section 6.31 Change of Use

6.31(a)4 states clearly that existing fire protection systems cannot be removed without replacement to make this section consistent with the other sections of this subcode.

6.31(b)1 clarifies which requirement governs when there is a difference between a Basic Requirement and another requirement of the Change of Use section applicable to a project.

6.31(c) has been reordered to clarify that the exit loading requirements must be met for all changes of use.

6.31(c)4 - The words "to a single exit building" have been added to this section to clarify the circumstances under which this requirement applies.

6.31(d)1 - The words "which also constitutes a change of use group" have been added to this section to clarify the circumstances under which this requirement applies.

6.31(e)1i has been changed to delete the words "expanded beyond" and replace them with "exceed" to clarify that this is not an addition or "expansion," but a change of use.

6.31(g)1 has been amended to clarify what requirements apply to a partial change of use.

6.31(g)2 has been amended to add requirements for the suppression of windowless stories when there is a change of use.

6.31(k), Table K has been amended to add Use Group F-2 to category 1 because it is logical to apply the same requirements to this use group as those applied to the others in this category and to clarify what is included in "other" in category 2. Also, a building subcode citation has been corrected in Section (k)3.

6.31(o)4 has been amended to add a reference to the accessibility requirements for renovations.

Section 6.32 Additions

6.32(d) has been modified to clarify that the increase in size is permitted up to 25%; there could be more than one increase, but the total increase(s) may not exceed 25%.

6.32(f) has been amended to delete the words "owner occupied." These words were taken from the existing UCC requirement, but it is no longer correct to limit this requirement to owner occupied units. Also, subsection 3 has been deleted. The installation of battery-operated smoke detectors is required whenever any work is performed.

Section 6.33 Historic Buildings

6.33(a)4 has been amended to clarify the limitations on historic buildings being used as museums if they are to be classified as Use Group B.

6.33(b)8 has been amended to clarify that the exception for interior finishes is limited to Use Group R-3.

6.33(b)12 has been deleted because there are no distinct energy conservation requirements established by this subcode.

That's it! These are the technical (not the editorial) changes to the adoption of the Rehab Subcode. You will all receive the full subchapter in a future transmittal.

Source: Code Development and Code Assistance Units
Division of Codes and Standards

Major Structural Defects

The following is the first in a series of reports from the New Home Warranty Program, Major Structural Claims Section.

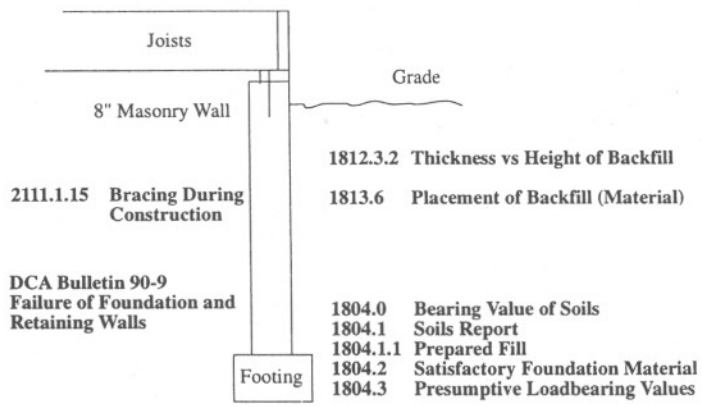
In processing major structural claims per *N.J.A.C.* 5:25-3.7, we have identified Uniform Construction Code sections which may require closer monitoring by Inspectors and Construction Officials. Subsequent issues of the *Communicator* will examine other areas of Major Structural Defects (MSD) claims. This report will address foundation walls.

MSD's in foundation walls are among the most frequently claimed defects, the highest in homeowner inconvenience during reconstruction, and the most costly to the program. Recently, there have been several cases of explosion-like catastrophic failure of foundation walls. Prior to the failure the homeowners observed:

- Step Cracks,
- Water Seepage,
- Masonry Displacement, and
- Horizontal and Vertical Bowing

The Major Structural Claims Section investigated the collapses and found that the:

1. Backfill height was in excess of that allowed for the thickness of the wall.
2. Foundation wall was subject to excessive lateral pressure exerted by saturated backfill.
3. Permit File, approved plans and final survey, clearly showed that the 8 inch wall was inadequate for the proposed and final grading height of backfill.



Foundation MSD's

Improper application of BOCA National Building Code Section 1804.0, loadbearing value of soils, and BOCA Tables 1812.3.2(1) and (2), is a major cause of horizontal cracking generally found three courses down from the sill, horizontal and vertical wall bowing, and step cracks starting at the ends and running from top to bottom toward the center of the wall.

During excavation to replace the wall, we found violations of BOCA Section 1813.6, placement of backfill. Boulders, organic material (tree stumps), and construction debris were found in the backfill.

Particularly in the erection of modular homes, we have found severe foundation cracking due to backfill without bracing during construction (BOCA Section 2111.1.5). This has been verified by homeowners' photographs that were taken during construction. The erector needs an area to roll the home onto the foundation and backfill. In this case, the walls exhibit horizontal and vertical bowing and horizontal and step cracking through joints and blocks. These problems could have been prevented by applying BOCA Section 2111.1.5, bracing during construction.

In the homes with catastrophic failure of the foundation wall, no settlement of the footing was found. However, there are many MSD claims where footing failures have occurred. Footing failures and wall settlement are generally due to inadequate application of BOCA Section 1804.1.1, Prepared Fill, which occurs where the home is sited on a lot that has been cut and filled to produce a front first floor walk-in and a rear basement walkout with the lot sloping steeply to the rear.

Urban renewal sites have been prone to footing and wall settlement where the home was built on a filled in lot over a previous foundation. Mud jacking and pressure grouting of the footings has been used to level up homes with as much as 8 inches of settlement.

Refer to DCA Bulletin 90-9 "Failure of Foundations Walls and Retaining Walls" for additional factors contributing to foundation failures.

Construction Code Enforcement agencies are our first line of defense in ensuring code compliance with footing and foundation design through plan review. In addition, field inspection must be coordinated to the approved plan. Correctly constructed footings and foundations can eliminate a future Major Structural Defect.

Your comments are welcome. I can be reached at 609/530-6331.

Source: Wilbur Hinds, Architect
Major Structural Claims
New Home Warranty Program
Bureau of Homeowner Protection

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Manufactured Homes: Foundation and Support

The Department has received numerous inquiries from code officials regarding foundation and support requirements for manufactured homes. Bulletin #80-6 states that a construction permit is required for the placement of a manufactured home and further states that an application for a construction permit should contain the following:

1. A statement that the work to be performed includes the installation of certified manufactured home (manufactured home bearing the Federal insignia of certification);
2. Manufacturer's installation instructions; and
3. Detailed plans for any on-site construction (foundation and support system) related to set up of the manufactured home. These plans must be signed and sealed by a New Jersey Professional Engineer or Registered Architect.

It appears that there is some confusion regarding the information required to satisfy items #2 (manufacturer's installation instructions) and #3 (detailed plans for on-site construction) above. Some code officials require the structural design of the foundation and supporting engineering system that has been signed and sealed by a Professional Engineer or Registered Architect to be additionally approved or endorsed by the manufacturer. This is not a requirement and is inappropriate.

Please note that the Uniform Construction Code requires that the foundation system, which may be a full size concrete pad, strip or pier or any other suitable foundation, to be designed by a New Jersey Professional Engineer or Registered Architect based on the site-specific soil conditions. The design may differ from the foundation system (which is usually pier foundation) in the manufacturer's installation instructions based on the assumed bearing capacity of the soil. The code official may question the parameters or elements of the engineering design, but should not mandate an approval or endorsement by the manufacturer.

It may be noted, however, that the manufacturer's installation instructions related to the assembly (roof, wall, floor connections) of the manufactured home and utility connections must be followed.

The items relating to manufactured (mobile) homes covered in the article entitled "Premanufactured Construction" in the Summer 1997 edition of the *Construction Code Communicator* may provide helpful information to code officials concerning other aspects of manufactured homes.

Source: Paul Sachdeva, Manager
Industrialized Buildings Unit

Winter Sports

With winter coming up on us, this is a good time to review the accessibility requirements for newly constructed ice rinks, skating areas, and ski lifts.

Ice Rinks/Skating Areas: The surface of an ice rink must adjoin an accessible route of travel.

At each designated skating area at natural or man-made bodies of water, there shall be an accessible route or an accessible trail connecting at least one point at the water's edge to other elements at the site. One location per site satisfies these requirements.

Ski Lifts, Aerial Tramways, and Conveyors: In areas where ski lifts or other mechanisms are provided, there shall be an accessible route of travel connecting site access point(s) and support facilities with the area where the transfer to skis is made.

In areas where aerial tramways, conveyors or other mechanisms for sight-seeing are provided, an accessible route of travel shall connect site access point(s) and support facilities with the moving seat or car platform of the aerial tramway or conveyor. A five feet by five feet (5' × 5') clear, level area shall be provided immediately adjacent to the upper, lower, and intermediate terminal of these mechanisms to facilitate transfer from a wheelchair to the seat, car, or platform. Where seats are provided, they shall be at a height of 16 inches to 18 inches above the clear, level area.

A control shall be immediately available to the operator of the ski lift, aerial tramway or conveyor to stop and restart the mechanism to allow a person with a disability to transfer on and off.

Remember, this is not a retrofit requirement. These requirements apply only when the facilities are newly constructed or substantially altered. If you have questions, I can be reached at 609/530-8788.

Source: Gail Weikel
Code Development and Assistance Unit

Carports

Rigid canopies supported in whole or in part by structural members that rest on the ground may be used as carports. A structure like this should be designed so as not to present a hazard to its users. Because of the safety concerns, especially structural and fire safety, these structures require a construction permit under the Uniform Construction Code (UCC). They should be designed and constructed to withstand wind or other lateral loads and live loads. The shape of the canopy is an important factor with regard to snow build up and wind effects. The framework should be metal, adequately braced, and protected to prevent deterioration, such as rust or other decay. The covering attached to the structure is required to be flame resistant in accordance with NFPA 701 or to have a flame spread rating of 25 or less when tested in accordance with ASTM E84.

The provisions for these structures are in the BOCA National Building Code 1993 at Section 3105. Please call the Code Assistance Unit at 609/530-8793 with any questions.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

Say "Ah"

"You're the first inspector to ever ask for a throat inspection, what do you want to see?" Good question.

You would be hard-pressed to find inspectors or design professionals who agree on basic masonry fireplace design. Because masonry fireplaces are on the endangered species list and are being virtually displaced by the more affordable factory-built fireplace, this may be something you as an the inspector have never inspected.

A throat inspection is cheap insurance to ensure a safe, efficient operation of a fireplace and should not be overlooked by the inspector. First, let's look at some key components of a fireplace.

Hearth: The hearth consists of two parts; the front and back hearth. Because the back hearth must withstand intense heat, it is built of heat-resistant materials (firebrick). The front hearth is a precaution against flying sparks. It must be noncombustible, but does not need to be able to resist intense prolonged heat. The hearth should extend a minimum of 16 inches beyond the face of the fireplace opening; for fireplaces with openings of less than 6 square feet, the hearth should extend at least 6 inches on each side of the fireplace opening .

Walls: The back and side walls of fireplaces must be constructed of solid masonry at least 8 inches thick and lined with fire brick at least 2 inches thick. The rear and side walls of the firebox must be constructed vertically to a minimum height equal to 1/2 the fireplace opening height, at which point the rear and side walls must slant inward at a 22 1/2 degree angle. This is to reflect heat back into the room. The width of the walls should always be greater than the height in a correctly proportioned firebox.

Firebox: The firebox is the space or chamber in which the fuel is burned. The fireboxes of masonry fireplaces must have a minimum depth of 20 inches.

Lintel: A lintel must be installed across the top of the fireplace opening to support the above masonry. This usually is a 3 1/2" × 3 1/2" × 1/4" angle iron.

Throat: The throat is the area directly above the firebox. It forms the passageway from the firebox to the smoke chamber. The throat has tapered sides which should start 8 inches above the lintel. The area of the throat should be no less than that of the flue. Also, its length should be equal to the fireplace opening and have a minimum opening width of 4 inches.

Smoke Shelf: The purpose of the smoke shelf is to prevent down drafts from entering the firebox. It is the horizontal surface directly behind the throat for the full length of the throat. The depth of the shelf may be 8 inches to 12 inches or more depending on the depth of the fireplace. The smoke shelf should be concave to retain any slight amount of rain that may enter.

Smoke Chamber: The smoke chamber is the area from the top of the throat to the bottom of the first flue tile, generally 24". The sidewalls should slope inward approximately 60 degrees to meet the flue. The surface must be smooth in order for smoke and gases to pass upward freely.

Flue: The flue is the passage in the chimney through which the air, gases and smoke travel. Its size (area), height, shape, tightness and smoothness determine the effectiveness of the chimney in producing adequate draft and in expelling smoke and gases. Flues come in various materials, sizes and thicknesses. A good rule of thumb is to make sure the flue area is at least 1/10th of the area of the fireplace opening.

Damper: A damper consists of a cast iron frame with a hinged lid that opens or closes to vary the throat opening. It is important that the full damper opening equals the area of the flue.

As many of you may be aware, installation of some of these components is not regulated by the Uniform Construction Code. However, now that we know some of the key components of a fireplace, let's move on.

The inspector should make every effort to inspect once the first flue tile has been set. At this point, all the above components have been installed and their relative relationship to each other has been established and can be easily checked. One of the most critical inspection points is the relationship of the first flue tile to the damper in its full open position. The UCC requires a minimum of 1/2 inch differential. That is, the flue must be set far enough *behind* the damper to maintain the 1/2 inch minimum dimension. Improper positioning of these two components could aid in down drafts, the most undesirable and common complaint about fireplace operation. Checking all the above components, especially the position of the first flue, is commonly known as a throat inspection.

Consult the *CABO One and Two Family Dwelling Code,* Section 1003, *The BOCA National Building Code/1993,* Section 2114, and *The BOCA National Mechanical Code/1993,* Chapter 14, for additional construction requirements.

Source: Charles T. Herring
Supervisor, Bureau of Local Code Enforcement
Northern Regional Office

Update on Omega Sprinklers

This is an update of the article on Omega sprinkler heads that was published in the Summer 1997 *Construction Code Communicator* (Vol. 9, No. 2).

Recent admissions by the Central Sprinkler Company indicate that one model of sprinkler heads manufactured after June 6, 1996 may fail to operate because the company had not replaced the rubber O-rings used in the manufacture of these heads with silicone O-rings. Local code enforcement officials should check all new installations of Omega sprinkler heads to ensure that the heads being installed do not have rubber O-rings.

The sprinkler heads in question are the "Flow Control" series. These heads are identifiable by the "FC" stamped on the head. Heads manufactured in 1997 are stamped with "97" on the head. "FC-97" heads manufactured with a silicone O-ring have a red dot on either the deflector or heat collector or both. The only 1997 FC heads which should be approved are those with the red dot.

The Division of Fire Safety is advising all local fire officials to have building owners send heads out for testing in existing installations where these heads have been used. For further information, please call John Terry at 609/530-8793.

Source: John Terry
Code Assistance Unit

Inspection of Elevator Devices and Relevant ASME A17.1/A90.1

Although those involved in the enforcement of the Elevator Subcode agree that the enforcement process is clear, complaints from building owners, elevator companies, consultants, and elevator inspectors have made it clear that one major principle of the Subcode's enforcement must be emphasized. Subchapter 12 is not a retrofit subcode. Therefore, the inspecting officials are required to determine, for every elevator device inspected, the edition and year of ASME A17.1/A90.1 that was in force at the time of the installation or major alteration of the device. The Uniform Construction Code (UCC) process gives an owner the right to appeal decisions of the enforcing agencies, including the edition of the A17.1/A90.1 standards that have been determined by the elevator inspector to be applicable. Remember that inspection for conformance to the wrong edition of the standards can lead to the citation of "false" violations, which poses a burden to building owners.

It is essential for proper enforcement that the applicable standards, including the edition(s), are noted on the forms that are forwarded to the owners. The Elevator Inspection form has been revised to ensure that an owner is given this information. The revised form (UCC F310-1, Rev. 3/96) includes section "F Applicable Codes" where the code(s) and the edition(s) must be documented for every device inspected or reinspected by the enforcing agency.

If you have any questions, I can be reached at 609/530-8833.

Source: Paulina Caploon
Manager, Elevator Safety Unit

Here We Go Again

I hope you have all become used to the gas appliance venting tables that came out a few years ago. If you have been following this issue, you will recall that, as the Federal Department of Energy bumped up appliance efficiencies, the venting of the appliances changed. Increased efficiency meant lower flue gas temperatures and lower flue gas temperatures meant new concerns about flue gases condensing.

The simple rules of venting then became more complex. Bigger was not always better; bigger was not always even allowable. Because the current mechanical subcode (*The BOCA National Mechanical Code/1993*) does not address these concerns, we have advised officials to rely on the manufacturer's recommendations to ensure that the proper size vent is installed.

With that said, it appears that the other shoe is about to drop. Oil appliances have also been affected by Federal Energy Standards. Oil appliances normally have higher flue gas temperatures than gas appliances. Perhaps that is why the need to address oil appliance venting has lagged behind the revisions to gas appliance venting. Nevertheless, it appears the oil appliance vent revolution is here.

The latest edition of NFiPA 31 contains an appendix for venting oil appliances. The appendix discusses relining existing chimneys when new oil appliances are installed. The appendix bases vent size on the firing rate of the appliance, the efficiency of the appliance, the height of the chimney, and the connector lateral distance. According to people from the industry, these tables were included in the latest edition of NFiPA 31 to address condensing flue gases. Unlike gas appliances, using these tables can actually result in a chimney or vent that is smaller in area than the appliance outlet. This creates a conflict with Section M-1201.3 which requires that the chimney or vent shall be at least as large as the appliance connection.

It appears that the code may have fallen out of step with technology. Product manufacturers should provide installation instructions to ensure that the proposed venting arrangement is compatible with the equipment being served. We will provide additional information as it becomes available.

Source: Mike Baier
Code Assistance Unit

UCC Act Update

NEWS FLASH!!!!! The Uniform Construction Code (UCC) Act has been updated and has been included with your October 20th update to the Uniform Construction Code book. Thereafter, the UCC Act will be updated yearly, in March. (Bet you thought we forgot about it, but never doubt the Department of Community Affairs.)

Source: Joanne McDonald
Fiscal Unit
Division of Codes and Standards

A New Jersey BOCA Code

The Building Officials and Code Administrators (BOCA) Building Code/1996 may print in an edition for New Jersey code officials reflecting the changes to BOCA 1996 made upon adoption. Although many code enforcement offices have already bought *The BOCA National Building Code/1996* , those that have not or those that need some extra copies might want to wait for the publication of New Jersey/BOCA following the adoption of the 1996 model codes, targeted for Spring 1998. We will keep you posted.

Source: Code Development
Division of Codes and Standards

Asbestos Variations

A code change to *N.J.A.C.* 5:23-3.11 and *N.J.A.C.* 5:23-8.4, adopted September 15, 1997, requires that *all* variations to the Asbestos Hazard Abatement Subcode be submitted to the Department. The Department has been particularly concerned about variation requests for work in occupied buildings because of the possible health and safety impact.

The Department believes that the uniform application of the subcode can be ensured if all variation requests are submitted to the same location. Unlike individual local offices, the Department processes a volume of asbestos work and employs people with more specialized asbestos training than is required of a local official.

Source: Chrystene Wyluda, Supervisor
Asbestos and Lead Abatement Unit

Elevator Records Management 105

1. With constant changes of elevator subcode jurisdiction, especially from third party agencies to local jurisdiction, a problem has arisen with the new entity removing old machine room inspection cards to replace them with those showing the new inspection authority. We have one word for this practice: DON'T. The old cards provide an on-site inspection history for any interested party and should be left in place.

2. Many towns use the Ongoing Inspection Schedule (UCC Form F-300A). This is an optional form which, as its name implies, is to be used for scheduling inspections. It should be clear that this is used *prior* to the inspections themselves. This form is not interchangeable with the Ongoing Inspection Log (UCC Log L-730 Rev. 6/96) which is required to be used to document all elevator inspections *after* they have been made.

3. With the elevator subcode, many local enforcing agencies allow the control person to sign certificates for the Construction Official by writing his or her name and initialing. In order to show that this is approved policy, as well as to protect both individuals, execute a memo or letter detailing the policy, including any exceptions, and keep it on file at the agency for future clarification. Direct any related questions to me at 609/530-8833.

Source: Phil van Leeuwen
Elevator Safety Unit

Licensing Unit Update

Due to some recent occurrences in the licensing process, the Licensing Unit will no longer accept copies of course completion certificates, nor will we accept copies of score reports for results from the National Certification exam. Only originals will be accepted. These originals will become part of your permanent file. If you intend to apply for licensure, and want to retain proof of completing the courses and tests for your own records, then it is suggested that you make a copy of the certificate or report for yourself, prior to submitting the application for licensure, since we will not return originals submitted for inclusion in your file.

If you have any questions regarding this new policy, or any other questions regarding licensing matters, please call me at 609/530-8803.

Source: John A. Delesandro, License Examiner
Bureau of Code Services

Construction Code Inspector Testing

The Chauncey Group has informed the Department of Community Affairs that the available seats for construction code inspector testing are filling up quickly. Beginning in 1998, all tests will be given on computers at Sylvan Learning Centers. This change will provide more testing days, but the available seats are limited by the size of the Sylvan Learning Center. Each Center has at least four seats; most have 16 seats, but some have as many as 20 seats. So, those who want to be sure to be able to test during a particular testing window must *register early*.

Also, the old registration forms that were used for the paper and pencil tests have been replaced by forms for the computer based tests.

If you have any questions about this, please call the Chauncey Group at 609/720-6500.

Source: Emily Templeton
Code Development

UCCARS and Windows 95

The Department has become aware of problems with UCCARS and Windows 95. The problems related to Windows 95 have been problems with indexing. These problems are directly related to the improper closure of UCCARS. UCCARS must be exited *entirely* in order to ensure that the data files are properly indexed. Improper shutdown of the UCCARS software results in corrupt indexes.

Symptoms of the problem include:

1. An inability to input inspections, payments, or adjustments.
2. Reports do not show proper figures and have missing permits, missing fee.

To correct the problem, simply be sure to completely exit UCCARS.

Source: Larry Wolford
Team UCCARS
Division of Codes and Standards

Use Group and Census Item Numbers for UCCARS Data Entry

Use Group	Valid Census Item Numbers		Use Group	Valid Census Item Numbers	
A-1	NEW	318	I-2	NEW	323, 324
	ADD/ALT	437, * 999		ADD/ALT	437, * 999
	DEMO	649		DEMO	649
A-2	NEW	318, 327	I-3	NEW	328
	ADD/ALT	437, * 999		ADD/ALT	437, * 999
	DEMO	649		DEMO	649
A-3	NEW	326, 327	M	NEW	327
	ADD/ALT	437, * 999		ADD/ALT	437, * 999
	DEMO	649		DEMO	649
A-4	NEW	319	R-1	NEW	213
	ADD/ALT	437, * 999		ADD/ALT	434, * 999
	DEMO	649		DEMO	649
A-5	NEW	318, 329	R-2	NEW	214, 105
	ADD/ALT	437, * 999		ADD/ALT	434, * 999
	DEMO	649		DEMO	647, 648
B	NEW	324, 327	R-3	NEW	101, 103
	ADD/ALT	437, * 999		ADD/ALT	434, * 999
	DEMO	649		DEMO	645, 646
E	NEW	326	R-4	NEW	101, 103
	ADD/ALT	437, * 999		ADD/ALT	434, * 999
	DEMO	649		DEMO	645, 646
F-1	NEW	320	S-1	NEW	327, 328
	ADD/ALT	437, * 999		ADD/ALT	437, * 999
	DEMO	649		DEMO	649
F-2	NEW	320	S-2	NEW	327, 328
	ADD/ALT	437, * 999		ADD/ALT	437, * 999
	DEMO	649		DEMO	649
H	NEW	320, 328, 329	U	NEW	328, 329
	ADD/ALT	437, * 999		ADD/ALT	437, * 999
	DEMO	649		DEMO	649
I-1	NEW	323, 105			
	ADD/ALT	437, * 999			
	DEMO	649			

** 999 refers to single trade alterations (also cited as O/S)

Common Building Types and Use Groups

Restaurant	A-3	Tents	U
Church	A-4	Sheds	U
Bakery	F-1		

Source: Larry Wolford
Team UCCARS
Division of Codes and Standards

Imperfect Modems in a Perfect World

Generic modems (no brand name available) pose a particular problem for UCCARS software users. The problem first becomes obvious when the modem will no longer respond to the setup in Crosstalk XVI. Sometimes the symptoms include "Waiting for Strings" messages even though you may not hear the modem dial out or connect.

To correct the problem: Edit the file **uccsend.xts** and insert the line, "do hang up" before the "quit". The **uccsend.xts** file is located in either the **XTALK** directory (**UCCARS SYSTEM II**) or **\UCCARS\UCCARS.CMM** subdirectory (**UCCARS SYSTEM I**).

Source: Larry Wolford
Team UCCARS
Division of Codes and Standards

New Jersey Register Adoptions

Date: September 15, 1997

Adoption: 29 NJR 4102(a), 4102(b) and 4103(a)

Summary: N.J.A.C. 5:23-2.20(c) The amendment at *N.J.A.C.* 5:23-2.20(c) requires that the contractor who performs work on a chimney certify the work or notify the local code officials for an inspection.
N.J.A.C. 5:23-3.11 and 8.4 The amendment at *N.J.A.C.* 5:23-3.11 revises the list of functions reserved to the Department. These include the enforcement of Barrier-Free Recreation Standards, the repeal of the indoor air quality provisions, and the authority to grant variations from the Asbestos Hazard Abatement Subcode. There is a companion amendment at N.J.A.C. 5:23-8.4 which specifies that variations from the Asbestos Hazard Abatement Subcode are to be submitted to the Department, which has sole jurisdiction.
N.J.A.C. 5:26-4.5 The amendments at *N.J.A.C.* 5:23-4.5(b) and (c) make minor changes to four standard forms. Two standard forms which relate to construction boards of appeals have been deleted.

Date: October 6, 1997

Adoption: 29 NJR 4281(a), 4285(a), 4286(a) and 4287(a)
Adopted amendments: *N.J.A.C.* 5:23; 1.4, 2.38, 3.2, 3.11, 3.11A, 4.2, 4.9, 4.10 and 4.11; 3.4 and 4.18; 4.5.

Summary: N.J.A.C. 5:23-1.4, 2.38, 3.2, 3.11, 3.11A, 4.2, 4.9, 4.10 and 4.11 The Governor's Reorganization Plan transferred the responsibility for construction plan review for public schools and health care facilities from the Department of Education and the Department of Health, respectively, to the Department of Community Affairs. These amendments consist of changes to the Uniform Construction Code rules that are necessary to conform to the Reorganization Plan.
N.J.A.C. 5:23-3.4 and 4.18 The amendments at *N.J.A.C.* 5:23-3.4(j)l and 4.18(c)5 allow a plumbing inspector to enforce all provisions of the code, except electrical, for the replacement of heating or cooling equipment or water heaters in Use Group R-3 or R-4 structures.
N.J.A.C. 5:23-4.5 The amendment a *N.J.A.C.* 5:23-4.5(j)li modifies the inspection requirement in case of conflict of interest. The mandatory requirement to have inspections done by another code enforcing agency has been relaxed when the local code enforcing agency has a qualified individual who is not the subordinate of the person who is in the conflict situation. A separate log of such inspections is also required. It is the responsibility of the person who is in the conflict situation to identify the conflict.

Date: December 1, 1997

Adoption: 29 NJR 5062(a)
Adopted amendment: *N.J.A.C.* 5:23-3.8a

Summary: N.J.A.C. 5:23-3.8A The rules requiring electrical fixtures and devices to be listed have been amended at subparagraph (d)2i to make it clear that products bearing the CSA/NRTL (Canadian Standards Association/Nationally Recognized Testing Laboratory) listing are acceptable in the same manner as are listings by UL (Underwriters Laboratories, Inc.) or FM (Factory Mutual). The amendment at subparagraph (d)3i permits the use of transition glues for joining ABS and PVC pipes. This amendment is in accordance with the adopted pluming subcode (National Standard Plumbing Code). A new provision at subparagraph (d)3vi has been added to make it clear that water closets, lavatories, bath tubs and other fixtures must meet appropriate ANSI standards listed in the plumbing subcode. This prohibits the use of substandard and non-conforming foreign made products.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

DCA: On the Web

We have been asked to provide DCA's web site address. It is: http://www.state.nj.us/dca/dcahome.htm

The web site includes DCA's newsletter and other general information.

Source: Code Development
Division of Codes and Standards

Building Safety Conference 1998

Construction Officials, Inspectors, Control Persons and interested parties, mark your calenders now! The annual Building Safety Conference of 1998 will be held in Atlantic City on May 13th through May 15th. This year the conference will be held at a new center: Bally's Park Place. Save these dates and plan to join us at this annual gathering. All code officials are invited to participate. At this time, fees have not been determined, but there will be an early registration rate. The hotel will be setting aside two blocks of sleeping rooms at a special rate of $85.00 per room in the hotel or $110.00 per room in the tower.

For the golfers, the third annual golf outing will take place on Wednesday, May 13th. Please consider being a sponsor or a player or, better yet, get together a "foursome". An interesting spouse's program is being planned that will include a day trip and two special activities.

A brochure will be mailed in early March with more information on all these events. We look forward to seeing you in Atlantic City in the spring!

Source: Education Unit
Bureau of Code Services

Best Wishes
for a
Happy New Year

Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 8 Number 1

Spring 1996

What Is Happening with Publications?

The Department of Community Affairs has long used the state's Office of Administrative Law (OAL) to print the updated transmittals for the Uniform Construction Code. At that time, the OAL also published the *New Jersey Register* and the full *New Jersey Administrative Code.* The Uniform Construction Code (UCC) is a small part (Title 5, chapter 23) of the New Jersey Administrative Code. The OAL recently privatized its publications services and awarded a contract to the West Publishing Company, a major legal publisher. West Publishing will print and distribute the *New Jersey Register* and the entire *New Jersey Administrative Code* for the OAL.

Since the OAL can no longer print and publish the UCC for us, we have decided to use West Publishing as well. This should result in more frequent and timely distribution of code amendments, interpretations, formal technical opinions, and bulletins to all subscribers.

The Division is currently in the process of making a complimentary UCC in a new 8-1/2" × 11" format available to all current subscribers. This is a limited time offer and those affected have been notified. This process should be complete by the end of March. We will no longer be able to provide a complimentary subscription service to all licensed construction code officials; the complimentary subscription service will be available only to those licensed construction code officials who are working with municipal, county, state, or on-site agencies. All other licensed officials will need to purchase the subscription service in order to keep their code editions current.

The cost will be $35 for the UCC and $30 for a one year subscription service.

Updates to the old 6" × 9" UCC format are no longer available. With the issuance of the new UCC, the old 6" × 9" version of the "Blue Book" will be incomplete and outdated.

Source: Kevin Luckie
Office of Financial and Logistical Services
Division of Codes and Standards

Range Hood Extinguishing Systems

The purpose of this article is to (1) remind you that fixed automatic fire extinguishing systems or components are required to be specifically listed for the hazard when used for protection of deep fat fryers, woks, ranges, griddles, and boilers in commercial kitchens, and installed in accordance with the terms of the listing, the manufacturer's instructions, and all applicable NFPA standards; and (2) advise you that a new UL standard is in effect for UL listed systems which makes any significant revisions to UL's test procedures and requirements for extinguishing systems that protect restaurant cooking areas.

On November 21, 1994, the Underwriters Laboratories test standard entitled "UL 300 Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooling Areas" went into effect. UL will now only list systems if they pass the new test

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procedure. This new standard is the result of changes in fire hazards involving commercial cooking equipment (such as the use of insulated "high efficiency" fryers that heat faster and cool slower and the use of vegetable oils in lieu of animal fats which have a higher auto-ignition temperature).

At this time, only wet chemical systems have been listed to the UL 300-1994 standard. Dry chemical systems manufactured after November 21, 1994 have not been listed by UL to this standard although many such systems were listed by UL in the past. This is not to say that systems manufactured or installed prior to November 21, 1994 are unsafe. Also, it is not saying that systems labeled by other approved agencies are unsafe. It is only advising that a new, more conservative standard is in effect at UL for systems they list.

In addition, subscribers to UL's Listing Service for these systems have made substantial changes to their installation instructions which are intended to be used for installing these systems in the field. (The extinguishing system agent container nameplate references the version of the installation manual, by part number, intended to be used for installing and maintaining the system. Systems complying with the new UL 300 standard will reference the most recent version of the installation instructions.)

Based on the above, it is suggested that before approving new systems bearing labels of approved agencies, it be confirmed that the system is listed for the hazard, and that it is installed in accordance with the listing, the manufacturer's instructions, and all applicable NFPA standards.

As a future note, the 1996 International Mechanical Code will reference the UL 300-1994 standard. When the 1996 International Mechanical Code is adopted, all such systems, not just those listed by UL, will have to be listed for conformity with the UL 300 standard. This will result in the installation of better, more reliable, pre-engineered fire extinguishing systems for the protection of restaurant cooking areas which will perform their primary function better than ever before.

Source: Mitchell Malec
Division of Codes and Standards

Delinquent Tax Payment as a Prior Approval

Planning board approval? Zoning Approval? Construction Permit? Yes, yes, and no.

On January 9, 1996, the New Jersey Appellate Division reaffirmed a 1980 lower court ruling. A municipality may not require payment of real estate taxes as a pre-condition to the issuance of a construction permit (*Builders League of South Jersey, Inc.* v. *Borough of Pine Hill* et al., A-1696-94T3).

The issue of whether payment of property taxes is a prio approval under *N.J.A.C.* 5:23-2.15(a)5 has long been troublesome. A property owner who owed back taxes would only be able to correct a violation or do barrier free renovations, for example, after first paying the taxes. When these situations involve a landlord–tenant relationship, complications arise. (The landlord–tenant issue was litigated and resolved — permit cannot be withheld — in *Ocean County Realtor Board* v. *Beachwood Borough,* 248 *N.J. Super.* 241 (Law Div. 1991).)

In the Summer 1993 *Communicator,* an article pointed out the spotty history of municipal ordinances requiring proof that taxes are current before construction permit issuance. That track record is consistent with an old lower court decision that said the Uniform Construction Code preempts and renders unenforceable a municipal ordinance requiring payment of past-due real estate taxes (*Home Builders League* v. *Township of Evesham,* 174 *N.J. Super.* 252 (Law Div. 1980)).

The issue involves interpreting a 1987 section in the New Jersey statutes governing municipal licensing of businesses and activities (*N.J.S.A.* 40:52-1.2, or, "Section 1.2"). That section (note that it was passed after the *Home Builders* decision) specifically authorizes a municipality to adopt and enforce an ordinance requiring payment of any delinquent property taxes or assessments before a "license or permit" is issued. The question left, though, was whether the phrase "license or permit" as used in that statute could have been intended to cover UCC permits. The Department as noted in the 1993 *Communicator* article, has viewed *N.J.S.A* 40:52-1.2 as not applicable to UCC permits.

A 1992 Appellate Division decision (*Wildwood Storage Center, Inc.* et al. v. *Mayor and Council of Wildwood,* 260 *N.J. Super.* 464) clouded the construction permit issue by reaffirming that a municipality clearly under Section 1.2 has the right to withhold by ordinance issuance of *licenses* for overdue taxes. It required not much of a legal "stretch" to interpret that right as covering construction permits also. Some thought that *Home Builders* was overruled by *Wildwood.* The Department of Community Affairs thought not (see *Communicator* article noted above).

The court in *Builders League* now analyzes the language of the municipal licensing statute (Section 1.2 referred to above) in the context of when it became law and whether it is preempted by the Uniform Construction Code. The court concludes that the Construction Code Act indeed preempts, and a construction permit cannot be withheld for nonpayment of delinquent taxes.

The temptation for the writer to "quit while she's ahead" is attractive right about now, the siren call of a clear, yes/no answer audible. But, in fairness to those looking for guidance from the Department, and as frequently occurs in matters legal, it ain't that simple . . . . This discussion would be misleading and incomplete

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without anticipating some obvious further questions. Although the code enforcement community looks to the courts for help in interpreting and clarifying the UCC, the sure progress towards building safety in New Jersey represented by this *Builders League* decision is modest.

Two municipal approvals commonly associated with proposed construction are site plan/subdivision approval and zoning approval. First, a municipal planning board, under a specific provision of the Municipal Land Use Law (*N.J.S.A.* 40:55D-1 et seq.), clearly has the power by ordinance to require proof of payment of delinquent taxes prior to site plan, subdivision or planned development approval of a proposed project (*N.J.S.A.* 40:55D-39e). The *Builders League* decision does not affect in any way that municipal power.

Second, the decision in *Builders League* is silent as to withholding a zoning approval, also a well settled and accepted prior approval to construction permit issuance. But, the Municipal Land Use Law again has the answer. *N.J.S.A.* 40:55D-65 contains the source authority for zoning ordinance contents, and specifically authorizes the adoption of an ordinance requiring proof of payment of delinquent taxes/assessments as a condition of zoning approval.

The argument of preemption by the Uniform Construction Code Act is inappropriate, since that Act does not cover zoning, a municipal prerogative. Similarly, revenues generated by issuance of zoning permits are not within the purview of the Uniform Construction Code Act, as are the dedicated revenues generated by construction permits, another argument set forth in the decision.

Property taxes are the lion's share of a municipality's revenues. When "something's got to give" at budget time, the governing body is confronted with the perennial choice of raising taxes or cutting services and jobs. Collection of taxes therefore gets high priority on a municipal agenda. As evidenced by just the sections noted in this article, the New Jersey Statutes are peppered with a number of provisions to help out the municipal tax collector wherever possible.

So where does the above leave us in terms of code enforcement? Assuming that appropriate municipal ordinances are in place:

1. May a municipality withhold *a subdivision or site plan* approval until the applicant pays any back taxes or assessments due and owing on the property? Yes.
2. May a municipality withhold a *zoning* approval until the applicant pays any back taxes or assessments due and owing on the property? Yes.
3. May a construction official withhold a *construction permit* if zoning and/or planning board prior approvals are lacking (for nonpayment of back taxes or assessments on the property or for any other reason)? Yes, he or she must.
4. May a construction official withhold a construction permit until the applicant pays any back taxes or assessments due and owing on the property if all required prior approvals are in place? No.

Source: Vivian Lopez
Division of Codes & Standards

The following text is taken from a letter dated December 28, 1995, which was addressed to Certified Radon Mitigators, builders, and code officials. It was signed by William Connolly, Director, Division of Codes and Standards, DCA, and Gerald Nicholls, Director, Division of Envionmental Health, Safety, and Analytical Programs, DEP.

Radon Mitigation

It is well documented that radon, a naturally occurring gas formed from the decay of uranium, is linked with an increased risk of lung cancer when residents are exposed to high indoor concentrations over long periods of time. As you are aware, according to the Department of Community Affair's (DCA's) Radon Hazard Subcode (*N.J.A.C.* 5:23-10), builders are required to incorporate into new construction in Tier One areas, features that might minimize radon gas entry and facilitate any subsequent remediation that might prove necessary. While the Radon Act (*N.J.S.A.* 26:2D-72: Necessity for Certification: Exemptions) allows the Department of Environmental Protection (DEP) to certify anyone safeguarding a building from radon, builders who incorporate radon safeguards into new construction are currently exempted under the DEP's Radon Certification Regulations (*N.J.A.C.* 7:28-27.31(a)2), provided they are in compliance with DCA's regulations. While the DEP allowed maximum flexibility by not requiring builders to be certified when performing safeguarding activities under the Radon Hazard Subcode, builders electing to install complete radon mitigation systems (e.g., installing a fan and/or conducting testing for radon) must be certified. This policy is consistent with the DEP's statutory mandate and provides protection for the consumer provided that builders, certified mitigators, and local code officials work cooperatively to assure the installation of high quality components and systems. Recently, a number of questions have been brought to the attention of the DEP and DCA regarding the need for clearer demarcation of the responsibilities of builders and certified radon mitigators, and the standards for installed radon piping.

As a result of these inquiries, discussions were held between DCA and DEP to clarify the respective roles of builders, mitigators and code officials regarding radon safeguarding measures and to establish initiatives in regard to these responsibilities. We anticipate each of these parties to play an important role in this cooperative effort to ensure proper safeguarding measures. We believe the roles of each participant to be as follows:

(1) *Builders*

Builders will continue to install radon preventative techniques, in accordance with the Radon Hazard Subcode, in order to facilitate installation, if necessary, of a radon system by a certified individual. Builders cannot install or activate a fan and/or test for radon. Installation of a fan requires pre- and post-radon testing and constitutes installation of a radon mitigation system. These activities are not exempted from the DEP's Radon Certification Rule. While builders incorporating the techniques prescribed in the Radon Hazard Subcode

(Continued on page 4)

Roles of Participants

	Builders	Mitigators	DCA Officials	Code Officials	DEP Officials
Install radon preventative measures	X (but not a fan)				
Market house as mitigated for radon		X			
Divulge radon preventative measures proposed or taken & radon potential area to client	X				
Install radon systems (both active & passive)		X			
Install radon piping (includes beyond "slub up") in new construction	X	X			
Install radon fan		X			
Test for radon (pre and post mitigation)		X			
Ensure that preventative measures are properly installed by builders (e.g., radon piping is gas tight)				X	
Ensure builders obtain permits				X	
Ensure mitigators obtain permits				X	X
Report any installations of completed systems by unlicensed parties to DEP		X		X	
Recommend that builders either hire certified mitigators to oversee the installation of radon features in large developments, or become certified themselves			X		X

do not have to be certified by the DEP, full remediation (e.g., installation or activation of a fan) must be done by a DEP certified mitigator. Uncertified persons who install complete radon mitigation systems are subject to enforcement penalties including fines. If a builder anticipates substantial work in a Tier One area, he may wish to become a certified mitigator. This will allow him to perform the duties outlined in the "mitigator" section of this letter. Builders must also not market their preventative steps as radon systems, but should inform their clients that certain radon preventative measures have been implemented and encourage them to test for radon with the understanding that, if necessary, full system activation will require a certified mitigator.

(2) *Mitigators*
As DEP regulations state, mitigators are the only individuals allowed to install radon systems, whether active or passive. A system, as defined by the Department's regulations "means a step or series of steps employed to actively reduce radon levels in buildings including, but not limited to, sealing techniques, natural and forced air ventilation techniques and soil ventilation techniques." The DEP has interpreted this to mean that builders can install radon piping that exits the building through approved methods. However, once a fan is installed or radon testing is done, the radon safeguard features (e.g., piping) becomes a system. Systems must be installed by certified individuals, who are required to ensure system effectiveness. The certified individual must report all warranty information, proper functioning of mitigation equipment (system operation and maintenance), any adverse health effects produced by system operation, and expected energy costs to the client. The certified individual must also label the system.

(3) *Department of Community Affairs (DCA) Officials*
DCA officials will continue to ensure that radon preventative techniques are properly installed by builders (e.g., that radon piping is gas tight) by developing a checklist, with DEP assistance, to be used by code officials (see item 4 below) to ensure proper installation of safeguarding measures. This checklist will be communicated through DCA's Newsletter. DCA officials will also assist DEP in developing information that builders should provide to homeowners regarding the radon preventative features they've proposed or are incorporating, along with information about the radon potential of the

DEP and DCA Initiatives

	DEP Officials	DCA Officials	Code Officials
Develop checklist for code officials to ensure proper installation of radon preventative measures. Communicate through DCA Newsletter.	X	X	
Adhere to checklist for ensuring proper installation of radon features.			X
Develop information for builders to provide to homeowners regarding radon features they propose or have installed. Communicate through DCA warranty guidebook.	X	X	
Develop materials to train builders regarding installation of radon features.	X	X	
Conduct training course for builders.	X	X	
Educate realtors and health officials regarding installation of radon features.	X		
Amend Radon Hazard Subcode as needed.		X	

area. This information will be communicated through DCA's guidebook on warranty information. DCA officials will amend the Radon Hazard Subcode if preventative techniques, upon later activation by mitigators, are proven not to be effective.

(4) *Code Officials*
Code officials will ensure proper installation of preventative measures by following the recommendations (checklist) developed by DCA and DEP officials and will ensure that builders are obtaining any necessary permits. Code officials will also report any installation of completed systems by unlicensed individuals to the DEP.

(5) *Department of Environmental Protection*
The DEP will educate builders on the proper installation of radon preventative techniques by developing and conducting a training course for builders with assistance from DCA and the National Home Builder's Association. In addition, the DEP will educate realtors and health officials regarding radon preventative techniques and will assist DCA in any amendments of the Radon Hazard Subcode, as required. The DEP will ensure that mitigators obtain permits for installation of completed systems and will assist DCA in developing information for builders to give to prospective clients. The DEP will also refer any builder installed radon preventative techniques not meeting DCA's Radon Hazard Subcode requirements to the local code official for enforcement. Also, DCA and the DEP recommend that builders hire certified mitigators to oversee the installation of radon preventative steps in large developments, or become certified themselves.

There are several certification options which have always been available to builders under the DEP's Radon Certification Rule. First, a builder may certify his or her company as a radon mitigation business. In this case, the radon mitigation business needs to employ a certified radon mitigation specialist on staff or as a consultant. Another option is that a builder can become certified as a radon mitigation specialist or technician in order to activate the radon preventative measures he or she has installed, or in order to perform post mitigation testing once the completed system is activated. In this case, the radon mitigation specialist or technician must become affiliated with a certified radon mitigation business. To become a radon mitigation business, specialist, or technician, an application must be submitted to the DEP's Radon Section with the appropriate fee. Radon mitigation specialists and technicians must take a one-time training course and a one-time exam. The DEP can arrange special sessions of training courses and exams to assist builders with the certification process. We strongly urge you to contact the DEP's Radon Section at 1-800-648-0394 (within New Jersey) or 1-609-984-5424 to obtain additional information on becoming certified as a radon mitigation business, specialist or technician.

For your convenience, tables of the aforementioned responsibilities and initiatives involving builders, mitigators, DCA, DEP, and code officials are provided on pages 4 and 5. Through our collective efforts, we hope to continue to provide New Jersey residents with the assurance that their radon safeguarding measures have been installed correctly. In that regard, thank you all for your support in accomplishing this objective. If you have any questions regarding these policies, please contact Fred Sickels, Supervisor of the Radon Section, DEP, at 609/984-5425, or Mitch Malec, Supervisor of Technical Policy, DCA, at 609/292-7898.

Source: December 28, 1995 letter signed by
William Connolly, Division of Codes and Standards, and
Gerald Nicholls, Division of Environmental Health, Safety, and Analytical Programs, DEP

Accessibility and Nominal Dimensions

For years, in the course on the Barrier Free Subcode, Jeff Applegate and I — and, this fall, John Terry and I — have told you that the Barrier Free Subcode has one absolute dimension, a measurement that is "plus or minus zero." This was the 18 inch measurement from the adjacent wall to the centerline of the water closet. The draft revision of the CABO/ANSI A117.1 technical standard for accessible design (which is due to be published in 1997), however, includes a two-inch dimensional range for that measurement. Consequently, we see no reason to enforce as absolute a dimension that we anticipate will change significantly with a future code adoption. Therefore, although we cannot adopt the full two-inch range that is proposed in the draft revision of the CABO/ANSI A117.1 standard, we can (and we do) recommend that the 18 inches to the centerline of the water closet be treated as a nominal dimension.

Source: Emily Templeton
Code Development Unit

Barrier Free Recreation: Revised and Explained

On March 18, the revisions to the Barrier Free Subcode, recreation section (*N.J.A.C.* 5:23-7.2) were published in the *New Jersey Register.* This adoption clarifies several issues that have caused many questions over the past few years. Based in part on a report by a national recreation committee to the Architectural and Transportation Barriers Compliance Board (Access Board) and in part on the standard for accessible parks and recreation facilities published by the Department of the Interior, these rules establish clear standards for what constitutes an accessible route in a park, what constitutes an accessible trail, and to what degree recreational settings must be accessible. The responsibility for ensuring that access is provided remains with the facility manager, but this rule provides a much clearer framework for making the accessibility decisions and determinations.

The major revisions are to the sections on trails, play equipment, and accessible miniature golf facilities.

Accessible Trails: Trails are categorized by challenge level — either 1, 2, or 3. The designation of which level applies is made by the slope of the land and by the improvements to the trail.

Accessible Play Equipment: Play equipment has been divided into two categories. Single function play equipment has only one intended play activity, for example, swings, slides, see-saws, or sandboxes. Access is required TO single function play equipment. Multi-functional play equipment has many play functions (such as swinging, running, jumping, climbing, or sliding) on a single play structure. Access is required ONTO multi-functional play equipment. Access may be provided by ramps or by transfer platforms with transfer points.

Miniature Golf: The confusion of the past few years with regard to miniature golf courses is eliminated by this new rule. There is now a section at the end of "golf courses" that tells what parts of a miniature golf course must be accessible. This is taken from the recreation report to the Access Board and will probably form the basis for Federal regulations.

At the same time that this adoption is published in the *New Jersey Register* (March 18), there will be a companion proposal. The proposal aims to clarify how the recreation rules are enforced by stating that the facility manager is responsible for enforcing the accessibility components. Although construction permits may be required for some play structures, the code official is not responsible for determining whether the play equipment is accessible. In the absence of a technical standard on which permit requirements can be based, the accessibility determination is made by the equipment manufacturer or designer. There is one exception to this general rule and that is swimming pools. The section on swimming pools gives three clear choices for accessible features. That section, including the accessibility components, is to be enforced by the building subcode official. Comments will be accepted on this proposal through April 18, 1996. If you have opinions, we would like to hear your thoughts!

Source: Emily Templeton
Code Development

Stop Work Orders

You discover an addition is being constructed on a single family dwelling without a construction permit. The project is at the framing stage. It is a shed roof addition and the contractor is in the process of installing 2" × 6" Hemfir roof rafters 16 inch off center spanning 16'; this is clearly a violation of any span table. The rear bearing wall has two large windows framed out without headers. What do you do? Issue a Stop Construction Order, issue a Notice of Violation and Order to Terminate and assessment of penalty, or issue a Notice of Violation and Order to Terminate? The obvious answer is to issue a Stop Construction Order. However, you are under the impression that a Stop Construction Order can only be issued under a permit, so you issue a Notice of Violation and Order to Terminate and Notice and Order to Pay Penalty. Unlike a Stop Construction Order, which carries a daily penalty, a Notice of Violation and Order to Terminate carries a weekly penalty. You have effectively given the violator one week to continue working. This is not an acceptable solution. Your argument may be: "Well, it's the contractor's problem if he or she continues to work past the Notice of Violation and Order to Terminate. He or she is just going to rip out everything anyway." That logic is flawed. You want to correct potential unsafe conditions as swiftly as possible. Also, the homeowner who hired this contractor bears joint responsibility for bringing about compliance. Therefore, it is important to stop this job as quickly as possible. It will correct a possibly unsafe condition and will limit the potential liability of the homeowner. There is a placard associated with this order as well as language which allows the enforcing agency to concurrently seek an order from a court of competent jurisdiction. Hence, I am suggesting your most logical recourse is to issue a Stop Construction Notice, since your first responsibility is to get the job stopped. Once you

have posted the structure, you can return to the office and issue the Stop Construction Order and Notice to Pay Penalty.

Now let's examine why there is even a question as to the appropriateness of the procedures I just laid out. The confusion arises out of the Construction Official's manual. The manual states that: "The order to stop construction (*N.J.A.C.* 5:23-2.31(d) under a permit can be issued by any single subcode official or inspector." This sentence, which has been inserted in one of the rewrites of the manual, implies that a permit must be issued in order to issue a Stop Work Notice. In fact, Stop Work Orders, *N.J.A.C.* 5:23-2.31(d) in the Uniform Construction Code, could also lead you to this interpretation. However, the Uniform Construction Code Act, which always takes precedence over the regulations or any authorized publications, at *N.J.S.A.* 52:27D-132.C states that: "If the construction of a structure or building is being undertaken contrary to the provisions of a construction permit, this act, the code, or other applicable laws or ordinances, the enforcing agency may issue a stop construction order...." It is clear that a Stop Construction Order can be issued when a permit has been violated or when a permit was required.

In conclusion, the Stop Construction Order may be issued anytime you, as the code official, believe the set of circumstances warrants such actions. Nothing in the regulations prohibits you from using your own judgment and discretion depending on the severity of the violation.

Source: Louis J. Mraw
Bureau of Regulatory Affairs

Retrofit Devices for Exit-Fixture Conversions

The Department has received numerous inquiries concerning the inspection of retrofit kits that are installed to convert existing incandescent exit fixtures into fluorescent fixtures. These upgrades have become increasingly popular because they offer advantages such as energy savings, possible rebates from utilities, longer life, and greater light output. These upgrades involve replacement of components of a listed assembly. Such replacements, therefore, require a construction permit under the electrical subcode. In most retrofit situations, the requirement for electrical plans is waived. Proper inspection of these kits is not as simple as it appears. It is, therefore, important that the electrical inspector understands the instructions and considers the following specific points at the time of field inspections:

1. *Suitability for installation and use.* Kits must be listed and labeled by a qualified laboratory. Fluorescent retrofit kits are either listed for a specific listed incandescent exit fixture indicating compatibility with the manufacturers original product or carry a listing label for a generic or universal product application indicating that, when installed in accordance with the accompanying manufacturer's instructions, it will operate safely and as intended. In the later case, listing alone does not guarantee the compatibility.
2. *Ambient temperature.* Typically, manufacturer's literature does not allow fluorescent retrofit kits to be used in fixtures located in areas subject to temperatures below 50 °F, such as parking structures or warehouses.
3. *Combination system.* Typically, manufacturer's literature does not allow kits to be used in a fixture that is connected to a fire alarm system of the building and used as part of a visual alarm.
4. *AC power only.* Kits cannot be used with fixtures that have a battery pack or a DC power source.
5. *Non-metallic housings.* Kits cannot be used in fixtures with plastic housings unless specifically identified for such use.
6. *Number of lamps.* Kits cannot be used for fixtures employing more than two lamps.
7. *VA comparison.* The Volt-Amperes of the fluorescent retrofit kit should not exceed the VA of the original lamp. This avoids any overloading on central inverter system or generator and prevents system from becoming inoperative.
8. *Emergency illumination.* Code requires that emergency lighting system shall be so designed and installed so that the failure of any individual lighting element cannot leave the space in total darkness.

Inspectors should, therefore, be cautious that replacements be compatible with the existing installations and meet all the code requirements so as to ensure that there is no risk of fire, electric shock, or injury to persons.

Source: Ashok Mehta
Principal Engineer
Code Assistance Unit

Documenting Elevator Documents

Since the July 1, 1991 advent of the Elevator Subcode (ESC), much has been said about managing the Subcode, but not much has been documented about how to create and maintain a low maintenance elevator records file—until now.

As we all know, the original four subcodes are addressed together in the Uniform Construction Code with the ESC joining in as a separate entity because it requires ongoing inspections. Many Local Enforcing Agencies (LEAs) do not apply the original document/file management principles as judiciously to the ESC as they do to the other four subcodes.

Several LEAs with their own Elevator Subcode Official (ESCO) or an on-site inspection agency (OSIA) contract have been reviewed by this contributor, and the following is a composite of the most frequently encountered problem areas.

Each building, with the notable exception of those in Use Groups R-2 (elevator not accessible to the general public), R-3, and R-4, must have its own file in which are kept ALL documents associated with its elevator devices as described at *N.J.A.C.* 5:23-12.1(e). Obviously, if the building contains many such devices, each bank of elevators should have its own file within the overall building file.

(Continued on page 8)

Documents relating to elevator devices include, but are not limited to, the following:

1. All inspection/test records.
2. Certificates of Compliance/Temporary Certificates of Compliance (CC/TCC).
3. Notices of Violation/Orders to Terminate/Orders to Pay Penalty.
4. All relevant correspondence.
5. Billing invoices.

By placing the most recent documents in the front of the file, a chronological file will result. Files should either be organized by block and lot or by street name alphabetical order with street numbers running low to high for each street. Building owner/ lessee or tenant should not be used because of the frequency of name changes.

One sure way of minimizing confusion in buildings with multiple devices is to ensure each such device has a specific device identification number (Car 1, Car 2, etc.) in addition to the elevator registration number required by *N.J.A.C.* 5:23-12.4(c)1. This ID number must be on each elevator inspection record and on each CC/TCC.

LEAs cannot withhold issuance of CCs/TCCs because of non-payment for inspections (*N.J.A.C.* 5:23-4.5A(j)5 and 2.25). However, the issuance of an Order of Penalty can be executed to force payment. Be advised that OSIAs cannot generate billing requirements. The OSIA can generate, as part of the subcode, reports, notices, and orders as long as proper construction official sign-off is obtained. The rule of thumb to consider regarding the division of responsibility between LEAs and OSIAs is that, related to elevator devices, LEAs are purely administrative while OSIAs are exclusively technical.

Ongoing Inspection Logs (L-730A) should be kept separately in ledger book covers or stapled/bound together to prevent them from becoming separated, lost or damaged. These, like the Permit Fee Log, should be kept in chronological order (most current sheet on top) and will serve as a history of all elevator device inspections and tests for your municipality. Log L-710A (Inspection Log) should never be used for documenting elevator inspections; that log is to document construtions inspections.

LEAs must ensure that all elevator device fees are codified in the municipality's ordinances. This can be accomplished in two ways. All such fees can be shown or, if the municipality has a contract with an OSIA, the contracted percentage of state fees may be shown along with the percentage (not exceeding 15%) for administrative fees as shown at *N.J.A.C.* 5:23-4.18(k).

When a municipality changes from one elevator inspection entity to another, be especially mindful of inspection time frames (six months) to ensure that all devices are operating with valid CCs/TCCs. In this regard, construction officials are ultimately responsible for elevator device safety from the standpoint that such time frames are mandated by the UCC.

In closing, be aware that it is to the LEA's advantage to have good records in case there is an in-service problem with a device. With accurate records, it is a simple matter to reconstruct ar inspection/test history when necessary.

Source: Phil van Leeuwen
Elevator Safety Unit

Three-Year License Takes Effect

Effective February 5, 1996, initial licensure awards and renewals will be for a period of three years instead of two years. As a result, a proportionate fee adjustment has been made to reflect this change. The License Application Fee Schedule listed on the last page (page 44) of the Licensing Information Booklet circulated before February 5, 1996 should now read $65.00 instead of $43.00, and $35.00 instead of $22.00. License Renewal Application fees have also been changed proportionately from $43.00 to $65.00. These fee changes do not amount to any significant fee increase, but are the result of a proportionate adjustment of fees to reflect a one-year extension of the present two-year effective dates of licensure to three years.

Any new licenses issued since the effective date will be awarded for three years. We plan to convert current licenses to a three year cycle at six month intervals beginning with July 31, 1996 expirations. The last to be converted will be those who expire January 31, 1998. If you have licensing questions, please call 609/ 530-8803.

Source: Frank Salamandra
Supervisor of Licensing
Bureau of Code Services

New Educational Requirements

The new three-year license has changed the educational requirements for our inspectors. Once you receive your three-year wallet card, you will be required to take 1.5 CEU for each technical license. There is no change to the administrative requirement — 0.5 CEU for subcode and 0.5 CEU for construction official within a three-year period.

Additionally, if your are multi-licensed and attend a multi-disciplined seminar (B-P-F), you will receive credit of 0.5 CEU for each license that you hold. The exception to this is mechanical. If you hold a mechanical inspector license, you must take 1.5 CEU in mechanical within a three-year period.

Other new features include the option of renewing your license for a shorter period of time to coincide withexpiration dates for Uniform Fire Code certification. Also, mandatory seminars may be required at the request of the Department for both local enforcing agencies and inspectors. The construction official of the municipality will be held responsible for mandatory municipal seminars, and inspector's licenses will not be renewed if they have not taken a required seminar.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Code Services

Prior Approvals Are Prior Approvals

Several instances have arisen recently where construction officials have issued partial permits for footings and foundations prior to the receipt of all prior approvals. This is not proper procedure under the Uniform Construction Code and is a misinterpretation of the regulations.

N.J.A.C. 5:23-2.16(g) states, "Approval of part: The construction official shall issue a permit for the construction of foundations or any other part of a building before the entire plans and specifications for the whole building have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code." This part of the regulation must be read in conjunction with *N.J.A.C.* 5:23-2.16(j)2. which provides, "Conditions of permit: The issuance of the construction permit shall be conditioned upon the following: That work will conform to the approved applications, plans, and specifications for which the permit has been issued including prior approvals and any approved amendments thereto." The code thus does not exempt a partial permit from the prior approval requirement. For a partial permit to be issued, all required prior approvals must be in place.

Some construction officials rely on the second sentence of *N.J.A.C.* 5:23-2.16(g) which states, "The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted." Those construction officials then use this sentence to justify issuing partial permits without the required prior approvals. "Proceeding at one's own risk" means starting a project without the assurance that the plans for the completed project will be approved; it does not allow an applicant to start a project without the prior approvals. Thus, an applicant who lacks a required zoning, health department, or other approval should not be issued a partial permit until the construction official can verify that said approvals are properly documented and in place.

Source: Robert Hilzer, Esq.
Bureau of Regulatory Affairs

Conflict of Interest II

The below referenced regulation has been in effect since July 6, 1992.

The Bureau continues to receive inquiries and complaints regarding this portion of the Conflict of Interest Regulations.

Effective: July 6, 1992
CONFLICT OF INTEREST
N.J.A.C. 5:23-4.5(j)

1. No person employed by an enforcing agency as a construction or subcode official or as an inspector shall carry out any inspection or enforcement procedure with respect to any property or business in which he or she, or a member of his or her immediate family, has an economic interest.

i. Where an inspection or enforcement procedure is necessary or required in any such property or business, the official or inspector shall arrange for the inspection or enforcement to be carried out either by another local enforcing agency or by the Department.

The following examples will provide guidance to officials on how to properly comply with this regulation:

1. The Bureau defines immediate family as mothers, fathers, brothers, sisters, children, and in-laws.

2. If work requiring a permit is undertaken on property owned by a construction official, subcode official, or inspector, the complete project should be handled entirely (i.e., from permit application to Certificate of Occupancy) by another enforcing agency or by the Department of Community Affairs.

3. If work is being undertaken by the construction official's immediate family, the complete project should be handled by another enforcing agency or DCA.

4. In the case of work undertaken by a subcode or inspector's immediate family, only the subcode administered needs to be handled by another municipality. Example: An electrical subcode official's brother constructs an addition; only the electrical subcode is required to be enforced by the other municipality or DCA.

If you have any further questions, please contact Robert Hilzer or William Ferguson at 609/530-8838.

Sources: Robert Hilzer, Esq.
William Ferguson
Bureau of Regulatory Affairs

Price Wars

In the Winter 1994 issue of the *Communicator,* I wrote an article entitled "The Price is Right." That article advised code officials not to get involved in discussions about how much a particular contractor charges for a particular job.

Unfortunately, that article was not as effective as I hoped it would be. A few months ago, we were approached by a group of contractors who are still experiencing problems. They have been so frustrated by the practice that they have retained an attorney and will take legal action against inspectors who engage in the practice of telling homeowners they paid too much.

Remember, ensuring that the homeowner got a "good deal" is not part of your job. It is important to remember that for two reasons. The first is that being a professional means knowing what to say and when to say it. The second is that, since meddling in pricing issues is outside your job description, you are not covered by the New Jersey Tort Claims Act. That means the town does not have to provide legal representation for you and you may be found personally liable.

The Department will issue a bulletin on this in the near future which will give a more thorough description of the problem and its consequences. Please take the time to read it — and heed it.

Source: Mike Baier
Code Assistance

Who Do I Call Now That Bill Hartz Has Retired?

With the retirement of Bill Hartz, the functions of the Bureau of Technical Services have been assigned to other supervisors. So, as a quick reference, here are the units you are accustomed to calling, the people you are used to calling, the phone numbers you are used to dialing (you see, most things have not changed!), and the new supervisors and their phone numbers.

Education Unit — Susan McLaughlin (609) 530-8798 — is now in the Bureau of Code Services, Richard Z. Osworth, Bureau Chief (609) 530-8757

Licensing Unit — Frank Salamandra (609) 530-8803 — is now in the Bureau of Code Services, Richard Z. Osworth, Bureau Chief (609) 530-8757

Publications — Cecilia Heredia (609) 530-8792 — is now in the Office of Financial and Logistical Services, Kevin Luckie, Supervisor (609) 292-7898

Code Assistance — Farid Ahmad (609) 530-8793 — is part of a new Code Assistance and Code Development Section, Amy Fenwick Frank, Supervisor (609) 292-7899.

Source: Emily Templeton
Code Development

Building Safety Conference
May 15 – 17, 1996

We have made some changes — new things are happening. There will be no Product Expo this year. Through your suggestions, we have scheduled our First Annual Golf Outing, to be held on May 15. It is open to all with an interest in construction code enforcement — not just licensed officials.

The official opening of the conference begins with our Crackerbarrel gathering of roundtable discussions on Wednesday evening, 6:00–7:30 PM. We have invited staff and support personnel who will present varied topics of interest. This will give you the opportunity to meet some people you may have talked to over the last year.

A new feature added to this year's Inspector of the Year Luncheon will be an award for the "Control Person of the Year." This recognition will be given to a technical assistant in the office of a construction official. Nominations have been received from mayors, township administrators, committee-council members, the public at large, control person organizations, and other control persons.

Conference brochures have been mailed. Please respond promptly.

Conference Events

May 15, 1996

9:00AM—3:00PM	Golf Outing — *Mays Landing Country Club*
4:00PM—7:00PM	Registration — *Convention Headquarters*
6:00PM—7:30PM	Crackerbarrel — *Grand Ballroom* (Round Table Discussions)

May 16, 1996

6:30AM—7:45AM	Breakfast — *Sultan's Feast*
6:30AM—8:30AM	Registration — *Convention Headquarters*
8:00AM—11:45AM	Educational Programs
12:00PM—2:00PM	Inspector of the Year Luncheon — *Grand Ballroom*
2:00PM—4:30PM	Educational Programs
4:30PM—5:30PM	Association Meetings *(if scheduled)*

May 17, 1996

6:30AM—7:45AM	Breakfast — *Sultan's Feast*
6:30AM—8:30AM	Registration — *Convention Headquarters*
8:00AM—1:00PM	Educational Programs

Spouse's Program

May 15, 1996

4:00PM—7:00PM	Registration — *Convention Headquarters*
6:00PM—7:30PM	Welcome Session — "Herbs & Nutrition, How To Stay Young and Look Good" — *Diamond D*

May 16, 1996

7:00AM—9:00AM	Breakfast — *Sultan's Feast*
6:30AM—8:30AM	Registration — *Convention Headquarters*
9:00AM—4:00PM	The Curator's Tour and Luncheon at Wheaton Village *or*
12:00PM—2:00PM	Inspector of the Year Luncheon — *Grand Ballroom*

May 17, 1996

7:00AM - 9:00AM	Breakfast — *Sultan's Feast*
9:30AM - 11:30AM	Sparkling Insights into the World of Gems and Jewelry — *Ballroom B*

Source: Susan H. McLaughlin
Supervisor, Education Unit

New Bulletins

By the time you receive this issue of the *Construction Code Communicator,* your newly converted copy of the *Uniform Construction Code* (UCC), published by West Publishing Company, should be on its way. This article's aim is to bring to your attention three new bulletins you will receive with the converted UCC.

Bulletin 94-7 on elevator devices plan review is, for some, a new bulletin. This bulletin was mailed out, but due to some confusion, some officials never received it. Bulletin 95-1, underground storage tanks, is a consolidation of the previously issued Bulletins 88-3, 88-8, 91-4, 92-2, and 93-1. Bulletin 95-2, ECHO units, is a new bulletin on Elder Cottage Housing Opportunity (ECHO) units. Bulletin 95-3, congregate dwellings, is a new bulletin on how to classify and accommodate unrelated groups of adults who occupy a house for a therapeutic purpose.

If these bulletins are not included in your new UCC or if you have any questions on the new book, please feel free to contact our Publications Unit at 609/530-8792.

Source: John N. Terry
Code Assistance Unit

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Train-the Trainer

Warren County Community College

40 hours — Two weekends
4/26, 4/27, 4/28, 5/3, 5/4, 5/5
Call coordinator to register
Bob Casiano 908/689-7613

Using UCCARS

This year municipal construction offices throughout New Jersey will be evaluated by Insurance Services Office (ISO) Commercial Risk Services. The purpose of these evaluations is to rate each construction office based on its procedures and level of activity. These ratings will then be factored in to help determine each municipality's overall insurance rate structure for all its buildings.

When ISO visits your office, UCCARS reports should cut the amount of research time required to provide information on your office's activity levels. Some of the information ISO will be asking you for will be:

- Number of construction permits issued during the past 12 months
- Value of construction for these permits
- Number of permits by type (New, Addition, Alteration)
- Number of pre-manufactured units
- Residential single and multiple family dwellings
- Commercial structures

Much of this data is available directly from the summary page of your UCCARS Permit Fee Log report. Remember that this one-page report can be printed out for the entire year by entering the start date and end date for the required 12-month period; and that you may optionally print only this single page report without having to print all the permit details for the period selected. Other data will be found in the UCCARS Monthly Activity report.

Yet another good source of data is the UCCARS Summary program which every office that uses UCCARS should have by now. It enables you to display summary statistical data about your permit, certificate, and inspection activities directly on your screen. If your office has not received a copy of Summary, call MIS for a program disk; there is no charge for this program.

Source: Stan Kosciuk
MIS

New Jersey Register Adoptions Spring 1996

Date	Adoption
2/5/96	28 NJR 815(b) Licensing Adopted Amendments: *N.J.A.C.* 5:23-5.5, 5.21, and 5.22, adopted 12/15/95, effective 2/5/96.

Source: E. Maria Roth
Code Specialist

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

Center for Government Services
P.O. Box 5079
New Brunswick, NJ 08903-5079

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Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 8 Number 2

Summer 1996

Building Safety Conference — 1996

The Building Safety Conference held in Atlantic City at the Trump Taj Mahal on May 15, 16, and 17 was a tremendous success. The attendance this year was well over 800 participants. Continuing education seminars were offered and over 40 roundtable discussions took place at the Crackerbarrel.

The highlight of the conference was the Awards Luncheon. Those recognized were:

Building Inspector of the Year	Gerald Hartmann Rockaway
Plumbing Inspector of the Year	Alexander Tucciarone Old Bridge
Electrical Inspector of the Year	Raymond Holshue Mt. Laurel
Fire Protection Inspector of the Year	Richard Hogan Manalapan
Elevator Inspector of the Year	Ronald Concannon Old Bridge
Control Person of the Year	Kathleen Franzoi Vineland

This was a year of "firsts". The first Control Person of the Year Award, commented upon in your opinion polls as being long overdue, was presented. The First Annual Golf Outing attracted only 49 participants, but the overwhelming response of this year's participants was positive, and many have indicated that they will play next year — a little recreation is always needed.

Your support and cooperation at this event is always appreciated. We look forward to next year's event scheduled for May 7–9, 1997 to be held again at the Taj Mahal.

Source: Susan H. McLaughlin
Supervisor, Education Unit

When Worlds Collide

There is an ongoing debate among physicists as to whether the universe will continue to expand forever or if, after some point, the universe will begin to contract, which would ultimately result in everything in the universe becoming the ball of mass that was there at the time of the big bang. In the code universe, we seem to have reached that critical point where it appears that all of the codes may be pulled into one document, a national building code.

Just like the physicist, the code community is having an ongoing debate. Ours is about whether a single model code is a

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good thing. Your judgment about a single model code probably depends on whether your perception is national or local. The benefits of a single model code are clearly more pronounced if you consider the national impact of a single model code.

Free trade and national public policy are two areas where a single model code becomes very attractive. Europe developed uniform standards for building materials to promote free trade between European countries. Marketing domestic building products, let alone foreign products, is difficult without a single, national building code. Recently, to initiate public policy objectives, several federal agencies have become involved in the model code change process. The Department of Energy, the Federal Emergency Management Agency, and the Department of Justice have all participated in changes to the model codes. A single national code would give these agencies a single forum in which to propose their changes.

However, because of this single forum, the model code then becomes the end-all-be-all. This lack of "freedom of choice" makes it even more critical that the model code change process works. It probably means that everyone who has something at stake in the model code should have a voice. The lack of choice and the somewhat limited scope of people who are involved in the process have made people who are more locally focused opposed to the concept of a single model code.

The effects of the reshaping of the model codes is already having an impact in New Jersey. The 1993 edition of *The BOCA National Mechanical Code* is the last edition that will be published. *The 1996 International Mechanical Code* is its replacement and, to my knowledge, is the only model mechanical code that is being published in a 1996 edition. *The 1996 National Standard Plumbing Code* is supposedly the last edition of that code that will be published. The plumbing code is unique in that there are two national model plumbing codes being promoted: *The International Plumbing Code* and *The Uniform Plumbing Code.* In any case, New Jersey may have to make a choice concerning its plumbing code in 1999. The three model code groups, the International Congress of Building Officials, the Southern Building Code Congress International, and the Building Officials and Code Administrators are working to create a single national building code, which will be completed perhaps as early as the year 2000. The next few years could see New Jersey adopting a new breed of model codes.

Another secondary effect of the changing model code is the introduction of legislation in New Jersey. There were two bills introduced earlier this year: one that would allow New Jersey to make technical modifications to the model codes it adopts; the other proposed to freeze the model codes at the editions in effect on July 1, 1995. These bills emerged from committee as a single combined bill that would freeze the codes at the July 1, 1995 level, but would allow the Department of Community Affairs to make technical amendments to the codes to update them where necessary. These bills were presumably introduced because of lack of confidence in the model code change process. This lack of confidence does not bode well for a single national model code.

The Department is continuing its work on the necessary amendments to the 1996 editions of the codes to make them suitable for adoption. However, rather than adopting the codes by public notice the Department will not adopt the code until the amendments are complete (Fall 1996 at the earliest). This delay will allow the Department to track the legislation so that we don't cause undue confusion by adopting something that will later be repealed. We will try to keep you informed about this legislation through the newsletter or you can call the Code Assistance Unit at 609/530-8793.

Source: Michael Baier
Code Assistance Unit

Commissioner Jane M. Kenny, New Jersey Department of Community Affairs

Commissioner Kenny was born in Jersey City. She is a graduate of the Academy of St. Aloysius, Trinity College, and Rutgers University Graduate School.

Ms. Kenny was appointed Acting Commissioner of the New Jersey Department of Community Affairs by Governor Christine Todd Whitman on May 1, 1996. She has been confirmed by the Legislature as the 12th Commissioner of the Department of Community Affairs, which is slated to become the Department of Community and Urban Affairs later this year.



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Before being tapped to lead the DCA, Commissioner Kenny served as Governor Whitman's Chief of Policy and Planning. While in that position, she was instrumental in developing the Governor's Urban Strategy, promoted regional planning, and advocated an environmental plan that balances economic growth and the protection of natural resources. Ms. Kenny was also involved in efforts to enhance the State's Development and Redevelopment Plan, which encourages the investment of resources in urban communities. During her service in the Policy and Planning Office, Commissioner Kenny worked on other major Whitman Administration initiatives including: Work First New Jersey, Government That Works, the Economic Master Plan, and Prosperity New Jersey.

She previously served in the administration of Governor Thomas H. Kean as director of constituent relations, from 1983 to 1986, and as cabinet secretary, from 1986 to 1990. Before joining Governor Whitman's staff, Commissioner Kenny was a vice president of corporate and community affairs for Beneficial Management Corporation.

Ms. Kenny has been active in a number of civic organizations including the New Jersey Council for the Humanities, which she served as chair, the Community Foundation Neighborhood Leadership Initiative Committee, and the New Jersey Alliance for Action. She is a graduate of Leadership America.

Ms. Kenny is married to Gregory L. Myer. They have three children: Jessica, Elizabeth, and Gregory.

Non-listed Liquid-Tight Flexible Conduits

It has been brought to the attention of the Department that there has been an increase in the instances where some contractors have used or installed liquid-tight flexible electrical conduits that are not listed by qualifying testing laboratories.

These non-listed metallic or non-metallic electrical conduits may be referred to as "contractors grade" or a variety of other misleading trade names. These products, in most cases, are made from either light scrap metal or reground plastic and do not meet either the industry specifications or nationally recognized safety standards such as UL-360 or UL-1660. These non-listed electrical conduits may not provide the necessary electrical and mechanical protections required by the NEC and the listed standards mentioned above.

Installation and use of such non-listed electrical products and materials is a violation of the electrical subcode as outlined under *N.J.A.C.* 5:23-3.8A(d)2i which requires approval of electrical materials to be based on tests and listings by qualifying testing laboratories.

NJUCC provides remedies to prohibit and discourage the manufacturers and distributors from selling any product which is being advertised or promoted for a use that violates the Code. Electrical inspectors are advised to be on alert while inspecting such conduits. Eliminating the use of non-listed electrical products during the inspection process acts as a deterrent to the manufacturers and distributors who deal in such products while ensuring the installation of code complying products.

Source: Ashok K. Mehta
Code Assistance Unit

Intermediate Handrails: When Are They Required?

There has been some confusion recently as to the specific code requirements regarding the need for intermediate handrails. The intent of this article is to clarify when these rails are required by Section 1014.7 of *The BOCA National Building Code/1993.*

The code language which requires these rails is very specific. The language is as follows:

> "Intermediate handrails are required so that all portions of the required width are within 30 inches of a handrail."

Based on this code section, on a stair with a required width of 60 inches or less and a handrail on both sides of the stair, it is possible for someone to be within 30 inches of a handrail at all times. Therefore, an intermediate handrail is not required.

As another example, in a B-use building provided with a sprinkler system and an occupant load of 250 occupants, with a stair 10 feet wide with a handrail on each sides of the stair, the required width of the stair based on Table 1009.2 is 50 inches. The required width is divided into 25 inches on one side of the stair and 25 inches on the other side of the stair. With this being the case, all portions of the required width are within 30 inches of the provided handrails. No intermediate handrail is required.

Source: John N. Terry
Code Assistance Unit

Security Grilles as an Egress Element

Security grilles are commonly used in covered mall buildings. They can be used in buildings of other use groups also. As they may pose a threat to prompt egress, their use in any required means of egress is limited and subject to certain conditions of the code. The code prescribes both the installation criteria of the grilles as well as how to use them. If improperly used, they can delay or obstruct egress significantly, thereby causing a life safety concern. Security grilles may slide horizontally or vertically.

When security grilles are used as an element of the means of egress in a building, *The BOCA National Building Code* requires compliance with the following:

(1) During the periods of occupancy by the general public security grilles must remain fully open.

(2) They may be brought to the closed or partially open positions when the maximum occupant load is 10 for spaces served by one exit or 50 for more than one exit.

(3) When two or more exits are required for spaces, only one-half of the exits may be equipped with security grilles.

(4) During the occupancy of the spaces, the grilles must be openable from inside without the use of tools, keys, or special knowledge or effort.

Please call the Code Assistance Unit at 609/530-8793 with any questions.

Source: Farid Ahmad, PE
Code Assistance Unit

Flexible Duct Insulation R-value of 4.2

There seems to be a budding controversy concerning the insulation that must be provided for flexible duct installed in attics. The question is whether flex duct with an R value of 4.2 meets the requirements of the mechanical subcode. Let's see.

The code requirements for duct insulation are found in section M-306.3. Because BOCA is a performance code, we have to perform some calculations. The required R value is equal to $(t_i - t_o)/15$, where t_i represents the temperature inside the duct and t_o is the temperature of the air outside the duct. The temperature difference will depend on whether the duct is being used for heating or cooling. In a majority of cases, the duct will be used for both. Heating will generally result in a greater temperature difference between the air inside and outside of the duct. So if the duct satisfies the heating criteria it should also satisfy the cooling criteria. Now we need some numbers.

A reasonable number for t_i for ducts used for heating would be 120°F. The temperature of the attic air is given in table M-306.3.2. For winter conditions, the table states that the attic air can be assumed to be 10°F above the outdoor design temperature. According to the weather data contained in ASHRAE, winter design temperatures based on the 97 1/2 percent column are 13°F or 14°F for most of the towns listed.

We now have all the information that we need to apply the formula. And the answer is: the R value equals $(120 - 24)/15 = 6.4$. Call it R-6 to meet the closest commercially available insulation. What do you do if you just approved a job using R-4.2? Rather than having contractors remove already installed flex duct, look for trade-offs. For example, if a contractor installed R-30 insulation in the attic instead of the code-required R-22, or installed R-13 in the walls instead of R-11, this is probably enough of a trade-off so the contractor does not have to replace the underinsulated ductwork.

There is something to be said for specification codes.

Source: Michael Baier
Code Assistance Unit

Who Gets the Penalty?

The Situation:

A homeowner storms into your office and begins to question what (if any) code requirements are applicable to the installation of a reroof, since his or her new roof is leaking after spending $2,800. In between the "What do I pay taxes for?" and "I pay for your salary!," you ascertain that this homeowner had a third layer of roof covering installed by a contractor without a permit.

What You Know:

As a competent, well-versed construction official, you know that *N.J.A.C.* 5:23-2.31(b)4. requires that an immediate penalty be issued for failing to obtain a permit, occupying without a Certificate of Occupancy, failing to request required inspections, and making a false, misleading statement. You also know that the code specifically prohibits the installation of a third layer of roof covering.

What You Might Do:

You explain about the proper installation of reroofing materials. This further agitates this individual. But you keep on — you mention that the law requires the issuance of a Notice of Violation and Order to Pay Penalty and that, in accordance with 5:23-2.30(b)1, the homeowner bears joint responsibility for compliance. The icy stare begins to turn into something more menacing.

Another Approach:

Before the police are summoned, think about the following interpretation of 5:23-2.30(b)1.: The homeowner does, in fact, have joint responsibility to correct the code violation, if you are unsuccessful in getting the contractor to make the proper repairs; however, the homeowner is not issued the penalty. The Notice and Order to Pay Penalty is issued in the name of the contractor with the appropriate financial inducement (penalty) attached. The homeowner is given a copy because, as stated above, he or she may be required to ensure the correction of a serious violation.

This interpretation, if explained in a positive manner, should help resolve some uncomfortable situations.

Source: Louis J. Mraw
Bureau of Regulatory Affairs

Code Intent, Private Pool Enclosure

One of the more attractive fence types has received a bit of harsh treatment at some locations where, perhaps, a code section has been misinterpreted. The fence is the type called "board on board" or "shadow board", and the code sections involved are condition #2 both in CABO Appendix F-103.1 and BOCA Section 421.10.1. In these code sections we have the idea that a sphere of maximum 4" diameter cannot be passed through fence openings because the fence openings will be kept too small.

The board-on-board fence has rows of boards attached vertically to both the inside and outside face of the top and bottom mounting rails, with the boards alternating fence sides in a regularly staggered pattern. Walking along the fence, you'd notice that the beginning edge of the front board lines up exactly with the ending edge of the rear board when seen at a right angle.

The misinterpretation of code here was that the distance between boards on the same fence side was measured as the opening. The opening the code speaks of is truly open — in this case it's the space between the front and rear board which is, of course, also the thickness of the mounting rails. That is what must be less than 4".

Source: E. Maria Roth
Code Assistance Unit

Design Values for Wood Members

The Department has recently been made aware of a problem concerning the use of the span and design values for joists and rafters contained in Appendix B of the 1992 *CABO One and Two Family Dwelling Code* in lieu of the National Forest Products Association's (now American) Forest and Paper Association — (AF&PA) NDS-91, National Design Specification for Wood Construction — with 1991 Supplement: Design Values for Wood Construction which is referenced in Chapter 35 of *The BOCA National Building Code/1993.*

Since the AF&PA's NDS-91 reflects new research, using state-of-the-art technology, the use of Appendix B of the 1992 *CABO One and Two Family Dwelling Code* is inappropriate for houses built to BOCA. Although few homeowners or do-it-yourself woodworkers will even notice the subtle differences, architects, structural engineers, and construction officials must give attention to how specific information affects the way lumber is used and specified in structural framing systems.

To provide a better understanding of the concern, the following table compares the allowable spans for 2"×10" floor joists 16"o.c. with 40# live load, 10# dead load, and 360 deflection limit for HEM-FIR and Eastern Softwood.

Species	Grade	Span per CABO-1992	Span per AF&PA NDS-91
HEM-FIR (Western Lumber)	No. 2	15' - 8"	15' - 2"
Eastern Softwood (Northeastern Lumber)	No. 2	14' - 3"	12' - 5 1/2"

Again, construction officials should check that designers are utilizing the new National Design Specification values and that the allowable design values are not exceeded.

Should you have any questions on this issue, please contact the Code Assistance Unit at 609/530-8793.

Source: John N. Terry
Code Assistance Unit

Municipal Fee Monitoring Program — Update

For several years, New Jersey municipalities have been reporting construction code revenues and expenditures to the Bureau of Regulatory Affairs as required under *N.J.A.C.* 5:23-4.17. Using these reports as a basis, the Bureau last April implemented its new Municipal Fee Monitoring Program.

The program enforces the requirement that income from UCC activities be used only for UCC-related expenses. After reviewing all financial data for 1991–94, the Bureau identified 20 municipalities as having a continually high surplus of funds. It then began working with these towns to either lower fees or increase expenditures through the hiring of additional staff, upgrading equipment, or other measures.

The difficulties were quickly addressed in 13 of the 20 towns. Local officials either developed plans to reduce the surplus or provided additional data which identified unique situations such as a large, single project as the reason for significant increases in fee income. The remaining seven municipalities were formally visited to ensure an understanding of the regulations and to emphasize the Bureau's commitment to enforcing these important rules.

The Bureau was forced to take extreme action in only one of the original 20 high-surplus towns. The action was to prohibit the town from charging any fees until the amount of the three-year surplus was reached. Subsequently, the municipality agreed to dedicate all UCC fees through a rider trust fund.

This year, the Bureau has identified 29 municipalities which are reporting a large surplus of funds. Of the 29, 18 will be placed on a watch list where they will be periodically monitored. Eleven appear to require immediate action and either have or will be visited during the summer.

The program is designed to evaluate a municipality's revenue and expenditure ratios over a three to five year period. Using this longer time frame, unusual one-time situations will not have a significant impact on our determinations. The ultimate goal is to ensure that municipal enforcing agencies are adequately staffed and maintained to meet the demands of local construction activity. For further information, please contact me at 609/530-8838.

Source: Henry Riccobene
Bureau of Regulatory Affairs

15th Annual Building Safety Conference



Building Inspector of the Year

Gerald Hartmann *(left)*, Building Inspector of the Year, with Victor Dai *(right)*, President of the Building Officials Association of New Jersey.



Plumbing Inspector of the Year

Jerome Shaw *(left)*, President of the New Jersey State Plumbing Inspectors Association, with Alexander Tucciarone *(right)*, Plumbing Inspector of the Year.



Electrical Inspector of the Year

Raymond Holshue *(left)*, Electrical Inspector of the Year, with Victor V. Timpanaro *(right)*, President of the Municipal Electrical Inspectors' Association.

1996 Awards —The "Best of the Best"



Fire Protection Inspector of the Year

Gary Lewis *(left)*, President of the New Jersey Fire Prevention and Protection Association, with Richard Hogan *(right)*, Fire Protection Inspector of the Year.



Elevator Inspector of the Year

Ronald Concannon *(left)*, Elevator Inspector of the Year, with James Castle *(right)*, President of the Municipal Elevator Inspectors Association.



Control Person of the Year

Kathleen Franzoi *(center)*, Control Person of the Year, with William Connolly *(left)* and Susan McLaughlin *(right)*, Department of Community Affairs.

Required Inspections — What Are They?

The UCC mandates certain inspections be approved before construction can continue. *N.J.A.C.* 5:23-2.18 Inspections (b) states, "The construction official and appropriate subcode officials shall carry out such periodic inspections during the progress of work as are necessary to ensure that work installed conforms to the approved plans and the requirements of the regulations." *N.J.A.C.* 5:23-2.18(b)1.i of the regulations continue to say that construction of a one and two family dwelling, which must cease until inspection is made, shall be limited to four inspections:

1. Bottom of footing trenches before the placement of footings, etc.
2. Foundation and all walls up to grade level prior to backfilling.
3. All structural framing and connections prior to covering with finish or in-fill material, plumbing underground services, rough piping, water service, sewer, septic services and storm drains, electrical rough wiring, panels and service installations, insulation installation.
4. Installation of all finished materials, sealing of exterior joints; plumbing piping, tram and fixtures; electrical wiring, devices and fixtures; mechanical systems equipment.

A final inspection is also required at the completion of the building or structure and before the issuance of a Certificate of Use and Occupancy.

N.J.A.C. 5:23-2.18(b)1.ii continues, in construction, other than one and two family dwellings, the following inspections are added: fire suppression systems, heat producing devices and any inspection required by any subcode of the regulations.

N.J.A.C. 5:23-2.18(b)1.iii discusses additional inspections. The regulations permit a municipality to require additional inspections beyond the above four inspections, but the inspections shall be of the type and nature that construction may continue without interruption.

At this point you're yawning. There is a purpose to this article. Does your municipality require a sheathing, or open deck inspection? If the applicant schedules these inspections, does the three business days requirement apply? Is the applicant compelled to wait until you inspect before he starts installing the siding or shingles? The answer is no. We view sheathing or an open deck as an additional inspection, not a required inspection. With that in mind, the applicant has the responsibility to call for the inspection; however, he is not required to wait until you get there before he starts work. It is your responsibility to get to the job and inspect the work while it is being performed.

If you have any questions, I may be reached at the Bureau of Regulatory Affairs at 609/530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs

FRT Update

For those of you who had hoped to hear the last of the FRT debate, think again! Three letters were sent to construction officials from February 1989 through March 1992 from Assistant Director Charles Decker. The purpose of this article is to update you on the status of these letters.

The first correspondence of 2/89 was intended to inform you of the problems associated with FRT plywood. By now, you are all aware of what has transpired in this regard. The second letter of 8/89 described an alternative design to the installation of FRT plywood, which is consistent with the text now in *The BOCA National Building Code.* The third of these letters, issued 3/92, discussed the Department's opinion on a number of other FRT alternatives. This is the letter which has caused some confusion in the recent past.

The purpose of this last letter was to provide guidance in the interim period until a solution was developed and understood by all. This interim period has expired. Code Officials should no longer be utilizing the "March '92 Decker letter" as a basis for approval of designs as they relate to FRT Plywood installation.

The existing *BOCA National Building Code* is specific as to how these products are to be installed as well as acceptable alternatives. This article does not preclude you from utilizing *N.J.A.C.* 5:23-2.9, Variations and exceptions. The use of this regulation requires that proper documentation be submitted to you outlining the practical difficulty of strict compliance with the specific subcode as well as verification that health, safety, and welfare of the occupants are not jeopardized by the use of this alternative method or product. This variation application and approval becomes part of the record for the project.

Source: John N. Terry
Code Assistance Unit

Could We Use the Attic? Garage? Basement? Porch?

In an effort to provide information to code users (such as homeowners) who are not familiar with code requirements, the following is the first of what we intend will be a series of articles that can be reprinted and distributed to the general public.

In a single family home, changes can often be made internally to relieve crowding and to more fully enjoy spaces you already own. If it amounts to a lot more than a little decorating, and especially if you change anything structural and run some additional wiring or piping, you have to "get formal." I mean

you have to follow the building codes. By the way, making the house horizontally larger or raising the roof line usually triggers code requirements for things beyond those you had in mind. This is to catch up to current requirements for health, safety, and welfare. And, again, by the way, putting dormers into the roof without raising the existing ridge line is not an increase in building height.

We're not going to talk about increases in size or height here, only about alterations and the even more modest projects called minor work. The code also contains an actual list of items that don't need a permit. These are called "ordinary repairs."

You are feeling very architectural. When conceptualizing these delightful interior expansion plans you actually get to be your very own architect and contractor if you are the exclusive owner/occupant. Employing an architect is of course an option. If you do that, you don't have to be your own contractor.

Now let's say you plan to create a little privacy for your teen by preparing an attic bedroom where there was only storage. In the usual wood structure it's always permitted over a first story. But if you already have two stories, then such a habitable attic has to be small enough or it's interpreted as a third story. That's not permitted in such combustible structures unless you sprinkler the whole house. Small enough? That's when walls at least 7'4" tall in that new room outline a floor area no more than 1/3 of the floor directly below. The shorter space under the sloped ceilings doesn't count.

Two special features needed in this bedroom and all space newly converted into bedrooms are emergency escape windows of a minimum size and proportion to let occupants climb out and/or firefighters in, and two hardwired interconnected smoke alarms: one inside, the other just outside this renovated space.

Sometimes insulation becomes an issue. Spaces not heated or cooled before must have it when they're made habitable, in order to conserve energy.

We mentioned earlier that sometimes one thing leads to another when doing alterations; namely, you have to upgrade things you weren't intending to. Aside from building enlargements this also occurs when alterations are truly radical in terms of your budget and type of house.

When the going gets tough under all those requirements (your house looks perfectly fine to you), the construction office can sometimes grant you a variation if the officials in charge don't consider your request unsafe.

Want to read the regulatory nitty gritty about all this yourself? It's in the N.J. Uniform Construction Code, *N.J.A.C.* 5:23-2 (that means it's the second subchapter). Anyone with questions about a specific project should contact the local construction official.

Source: E. Maria Roth
Code Assistance Unit

Prototype Projects

Effective January 1, 1995, municipalities choosing to utilize the services of private on-site inspection and plan review agencies are required to select the agency by competitive bidding and are required to award the contract to the lowest bidder that offers to charge the lowest percentage of the Departmental fees. As a result of this competitive bidding requirement, many municipalities have not been able to retain the services of their former agency. The new inspection agency steps in with a new fee schedule and the former agency steps out leaving many open permits and prototype projects in the pipe line. There seems to be some confusion as to who is responsible for what, especially regarding prototype projects.

An open permit means a construction permit that was issued to start work on a certain project but has not yet closed either because the project is not complete or the construction work has not yet started. Each open permit needs to be closed after the work done pursuant to a permit is inspected and approved and a certificate of occupancy or a certificate of approval depending on the permit is issued. The designs that will be repeatedly used at different locations may be designated as "prototype or master plans" and may be filed for approval before the construction official in compliance with the provisions of *N.J.A.C.* 5:23-2.15 (3) i (4). For example, a builder is planning to construct 300 new single family homes in a development with 5 different models. Each model needs a separate application for a construction permit. With the initial application for a construction permit, one additional complete set of repeated portions of the project, with as many variations as can be shown on the plans, may be submitted along with a request for prototype or master plan filing. At the time of initial application for a construction permit for each of the 5 models, there was a private on-site inspection and plan review agency acting as a subcode official for building and electrical subcodes in the town. After the builder has obtained 50 permits for the construction of 50 homes, the town selected a different private on-site inspection and plan review agency and did not renew the contract with the former agency. There are 250 more homes to be constructed and approximately 20 homes are still under construction. Now the following question arises: Who is responsible for what, and who is entitled to receive what fees.

N.J.A.C. 5:23-4.14(e)15 provides that each on-site inspection agency shall be responsible to carry out to full completion and receive all fees on all projects initiated prior to the termination of their contract with the municipality by reason of non-renewal, unsuccessful bidding, Department authorization disapproval, or other reasons except suspension or revocation. The determining factor is "initiation of the project." The project is deemed to be initiated when a construction permit is issued after an application for a permit is made in compliance with the provisions of *N.J.A.C.* 5:23-2.15.

Pursuant to *N.J.A.C.* 5:23-4.14(e)15, the former agency will be responsible for all inspections and to complete the open permits (20 homes in above example) and to receive all fees in compliance with their contract with the town. As you are aware, on prototype projects each site needs a separate permit before construction on a house can be started.

The new inspection and plan review agency is responsible for the remaining 250 homes, because the construction permits are yet to be issued and will be entitled to their contracted percentage of departmental fees less plan review fees as the plan review was done by the former agency. If the new agency wishes to review the plans again for their protection, they are free to do so but cannot charge any fees for that.

I hope you find this article helpful in allocating responsibilities and fees among various inspection and plan review agencies in this continuously changing competitive business environment. If you have any further questions, please contact the Bureau of Regulatory Affairs at 609/530-8838.

Source: Urmil Deora
Bureau of Regulatory Affairs

Construction Code Communicator Article Clarification

In the *Construction Code Communicator* Spring 1996 issue, page 8, fourth paragraph ("Documenting Elevator Documents"), it should read "Local Enforcing Agencies (LEA's) cannot withhold issuance of Temporary Certificates of Compliance (TCC) because of non-payment for inspections. However, a Notice of Violation/ Order to Pay Penalty can be executed to force payment, then a Certificate of Compliance will be issued at the time of payment."

Please note that if there are outstanding violations in addition to the non-payment problem, the TCC is issued for a duration of time based on the most serious violation with ALL outstanding items to be addressed by the time the TCC expires.

If you require further clarification, contact Phil van Leeuwen at 609/530-8833.

Source: Phil Van Leeuwen
Elevator Safety Unit

Consumer Products Safety Commission Recommendation

The Department has received a request from the Consumer Products Safety Commission to share information on the importance of enforcing the requirements for grates in swimming and wading pools. Although it is not the responsibility of the construction official to require or enforce the maintenance of swimming pools, it is our responsibility as citizens to be sure that information provided to us is available to the local health departments, which have the responsibility and authority to enforce swimming pool maintenance requirements. Grates need to meet the requirements of the American National Standards Institute/National Spa and Pool Institute (ANSI/NSPI-1,1991) standard and must be in good repair in order to protect the public. The injuries that can result from broken or cracked grates can be devastating. Therefore, we are asking you to inform your local health department that further information is available from Jacquie Elder at the Consumer Products Safety Commission at 301/504-0554.

Source: Code Development and Code Assistance Section

Architects and Engineers — Design Responsibilities

The Department has recently been asked to help distribute a chart published by the Board of Architects and the Board of Engineers that delineates their areas of design responsibilities. We are preparing a mailing — in fact, by the time you receive this *Communicator,* most of you will have already received the chart. Watch for it — you may find it helpful!

Source: Code Development and Code Assistance Section

New Jersey Register Adoptions Summer 1996

Date	Adoption
3/18/96	28 NJR 1505(a) Barrier Free Subcode; Recreation, Adopted Amendments: *N.J.A.C.* 5:23-7.2 through 7.7, 7.13, and 7.15 through 7.18, adopted 2/15/96, effective 3/18/96, operative 7/1/96.
4/15/96	28 NJR 1981(a) Definitions Adopted Amendment: *N.J.A.C.* 5:23-1.4, adopted 3/18/96, effective 4/15/96.
	28 NJR 1981(b) Notice of Administrative Corrections, State of New Jersey Training Fees; Asbestos Hazard Abatement in Occupied Buildings: *N.J.A.C.* 5:23-4.19 and 8.19.
5/20/96	28 NJR 2586(a) Construction Board of Appeals Adopted Amendments: *N.J.A.C.* 5:23-1.4, 2.9, 2.32, and 4.3. Adopted New Rules *N.J.A.C.* 5:23A. Adopted Repeals *N.J.A.C.* 5:23-2.34, 2.35, 2.36, 2.37, and 4.40, adopted 4/19/96, effective 5/20/96, operative 1/1/97.

Source: E. Maria Roth
Code Specialist

Accessibility

The Department of Community Affairs has received a request from the Architectural and Transportation Barriers Compliance Board (Access Board) in Washington, D.C., to provide information to code officials on the Americans with Disabilities Act (ADA). As you all know, the ADA is a civil rights law that is enforced by civil lawsuit or complaint; code officials do not enforce the ADA. Division Director William Connolly is sending a reminder to all construction officials regarding the enforcement authority for the ADA and providing telephone numbers for design professionals or building owners who have questions about this federal law. Questions about enforcement of the ADA should be directed to the United States Department of Justice at 202/514-0301; requests for ADA technical assistance should be directed to the Access Board at 800/872-2253. Projects that require a permit under New Jersey law will, of course, comply with the Barrier Free Subcode.

Source: Emily Templeton
Code Development

Good Luck, Ken Horton

About the time you get this *Construction Code Communicator,* Ken Horton, Bureau Chief of the Bureau of Regulatory Affairs, will be retiring. His final work day is June 28. Good luck, Ken, and thank you for all your hard work!

Source: Code Development and Assistance Section

Best Wishes, Maria!

Maria Roth, Code Specialist with the Code Assistance Unit, retired on June 1, 1996. We would like to take this opportunity to thank her for her diligence and to wish her well.

Source: Code Development and Assistance Section

Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 8 Number 3

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Ten Things Every Construction Official Should Know About New Home Warranties

1. When a builder's registration expires, the builder is not put on the suspended or revoked list. Consequently, you must check a builder's registration card in addition to the revoked and suspended lists to be sure that the builder is in a position to pull permits and apply for certificates of occupancy.
2. Once every five years a property owner may build a house for his or her own use and occupancy . This does not mean that a builder can sell a house every five years without a warranty. Only the property owner can sign the Certification in Lieu of Oath.
3. The builder who transfers title is the builder who should provide the warranty. The implication is that the builder who is transferring title is the builder who should pull the permits.
4. Builders who use modular homes must provide a new home warranty. The factory warranty does not qualify as a new home warranty. Owners of lots (with intent to occupy) who contract with the factory directly do not receive a new home warranty (see #5).
5. An owner who will occupy the unit and who is responsible under a separate agreement for any of the basic systems or the structure is acting as his own general contractor and may not receive a warranty.
6. Warranty forms are not valid unless they have been stamped with a warranty number and date or have been otherwise endorsed as indicated on the form. Each of the approved warranty plans has a distinct form or forms indicating a valid enrollment. If the form says "not valid unless signed," be sure there is a signature. The State New Home Warranty Program's Certificate of Participation must be stamped with a number and date in the lower right hand corner.
7. Warranties are not applicable to renovations, which include the construction of an otherwise new home on an existing foundation or part of an existing foundation.
8. A builder may not build under someone else's registration.
9. If there will not be a warranty, your file should include either 1) the certification in lieu of oath of an owner building for his or her own use and occupancy, 2) an affidavit by the owner of the lot that the home was constructed for lease purposes only, 3) a letter from the New Home Warranty Program granting an exception, 4) a notation on the permits that the new home

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incorporates portions of an existing foundation or other structural element, or 5) the home was built to HUD requirements rather than the UCC.

10. If you have questions, please contact the New Home Warranty Program at 609/530-6183. We do appreciate the calls.

Source: Peter Desch
Bureau Chief, Bureau of Homeowner Protection

Applicability of Permits for Asbestos Removals in Non-Subchapter 8 Buildings

In buildings that are not regulated by Subchapter 8 of the Uniform Construction Code (UCC), the Construction Official's responsibilities are different from his or her responsibilities for Subchapter 8 buildings. Bulletin 93-5 makes it clear that before any work, be it renovation or demolition, can be done in a building, the owner must certify that all friable asbestos that would be disturbed during work has been abated.

After reading Bulletin 93-5, you are aware that asbestos abatement work that is outside the scope of Subchapter 8 does not require the issuance of a permit by the Construction Official. For non-Subchapter 8 buildings, the asbestos abatement is a pre-approval condition that requires the owner to state in writing that all Federal regulations were met and that the asbestos was handled properly when it was abated. The Federal regulations that apply are NESHAP (National Emission Standard for Hazardous Air Pollutants) which are printed in the Federal code at 40 CFR, Chapter 1, part 61, subchapter M. Also, for all interior asbestos abatements, the owner must use an asbestos abatement contractor licensed by the New Jersey Department of Labor and must have the waste disposed of properly according to New Jersey Department of Environmental Protection regulations.

Source: Pat Ryan
Asbestos Unit, Bureau of Code Services

Change in Asbestos Variation Applications under Subchapter 8 (Occupied Buildings)

Since June of 1993, local construction officials have issued all the technical variations for asbestos projects that fell under the jurisdiction of Subchapter 8 in their towns. This procedure has been changed. You may have received (or will receive shortly) a letter from the Asbestos Unit with more details, but this article will serve as a brief explanation of the change in policy.

The change affects buildings that fall under the scope of Subchapter 8 and where asbestos is abated in accordance with the occupied buildings section of Subchapter 8 (*N.J.A.C.* 5:23-8.19 and other related sections). The Asbestos Unit will review and issue all technical variations for occupied buildings. Before Subchapter 8 was amended, the Asbestos Unit used to issue variations to allow abatement in an occupied building. Now that Subchapter 8 has a section on asbestos abatement in occupied buildings, a variation is required when the standards in that section (*N.J.A.C.* 5:23-8.19) cannot fully be met. The Asbestos Unit will review and respond to (i.e., approve or deny) each request for a variation from the rules that govern asbestos abatement in an occupied building. All Asbestos Safety Control Monitors have been informed of this change. If you have any questions or require additional information, please contact the Asbestos Unit at 609/530-8812.

Source: Pat Ryan
Asbestos Unit, Bureau of Code Services

Eat at Joe's

I remember going to eat at "Fat Johnnie's Pizza Palace" one time. The reason I remember it is not because of the food. Fat Johnnie's is a small place, so small that you can't fit more than, say, 15 fat Johnnies in it. There I was eating a slice when another patron of Fat Johnnie's walked out of the kitchen, with a three foot length of toilet paper in tow (we've all been there). You see, the only bathroom in Fat Johnnie's is in back of the kitchen.

So, what does this have to do with you? Well, besides the fact that you might not want to eat at Fat Johnnie's, the little blurb above highlights a health regulation that you should be aware of. Often small pizza parlors open in strip malls. Space is at a premium and, generally, separate restroom facilities for patrons and employees are not provided. The State Sanitary Code does not allow patrons to go through a food preparation area to access the bathrooms. So, when you get a set of plans and the bathroom is in the back behind the kitchen, remember that's a no no. Do it for Fat Johnnie. Business has been kind of slow.

Though all the events and characters above are fictional, the name of the restaurant was inspired by a member of our staff.

Source: Mike Baier
Code Assistance Unit

UCCARS Technical Assistance Contract

The Department is in the process of negotiating a new contract with MIS, Inc. for training and telephone technical assistance. Under this contract *telephone* technical assistance is provided to all municipalities using UCCARS at no cost to the municipality. The contract will also provide for System I and System II training programs. If you are interested in training, please call the UCC Training and Education Unit at 609/530-8797 for further information.

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Multi-Family Residential: To Be or Not To Be Accessible

The number of questions about accessibility requirements for multi-family residential dwellings has increased recently. This article seeks to provide a short explanation about which buildings — and which units in which buildings — must be accessible. To be or not to be is, indeed, the question.

Multi-Family Dwellings

Not to Be (Exempt from Accessibility Requirements)

(1) Buildings with three or fewer dwelling units. When counting the number of dwelling units in a building, fire walls do not constitute separate buildings, so it may be helpful to think of this as "three or fewer dwelling units in a separate structure."

(2) Multi-story dwelling units. Remember, a multi-story dwelling unit has more than one story of living space within the individual dwelling unit.

To Be (Required to Include Accessible Units)

When determining whether multiple R-4's, multiple R-3's, or R-2's must include accessible dwelling units, first count the number of dwelling units in the structure. Are there four or more units in the structure? If yes, then accessibility is required. (*N.J.A.C.* 5:23-7.1(b)1)

Which Units

Is there an elevator in the building? If yes, then all the dwelling units must be accessible. If no, then the ground floor dwelling units must be accessible. (*N.J.A.C.* 5:23-7.1(b)8)

Vertical Access (Elevators)

To Be (Required)

(1) Buildings of three stories with five or more dwelling units on a floor (remember, when counting the number of dwelling units, fire walls do not constitute separate buildings!) must have an elevator to provide vertical access.

(2) Buildings of four stories or more must have an elevator to provide vertical access.

Not To Be (Exempt from Elevator Requirement)

(1) Buildings less than three stories.

(2) Buildings less than four stories with four or fewer dwelling units per floor.

(3) Floors less than 3,000 square feet.

All units required to be accessible must have an accessible route into the dwelling unit; this includes the parking space, a curb cut, and a path of travel to (and including) the accessible entrance. Inside, there must be clear floor space in the kitchen and bathroom that complies with CABO/ANSI A117.1, Section 4.33 (accessible/adaptable dwelling units), maneuvering space must be provided at doorways, and doors themselves must meet the clear width requirements. Kitchen cabinets, along with the grab bars in the bathroom, are considered adaptable features. This means that although the grab bars do not have to be installed, the walls must be reinforced, so that the later installation of grab bars is possible. It also means that the kitchen cabinets and counter do not have to be adjustable, but the floor must be finished all the way to the wall to allow the base cabinets to be removed by the resident.

I hope this helps to clarify which multi-family residences need to be and which need not be accessible. If you have questions, please call me or John Terry at 609/530-8793.

Source: Emily Templeton
Code Development

Barrier Free Recreation: Outreach

New Jersey has had requirements for accessible outdoor recreation facilities since 1988. The rules have recently been revised to make clearer how to make playground equipment accessible and what makes a trail in a park accessible. In addition to these clarifications, the Barrier Free Recreation standards provide that sport facilities, swimming pools, boat launch facilities, fishing piers, trails, golf courses, equestrian facilities, court games, ski lifts, skating rinks, and camping facilities be accessible.

The Barrier Free Recreation rules are unique in that their requirements are enforced by the facility manager and not by local code officials. (The only exceptions to this are the swimming pool requirements and the issuing of permits that may be required for large, multi-functional playground equipment.) Complaints are first directed to the facility manager and, if unresolved, are then investigated by this Department.

Because questions about the accessibility of parks and other recreation sites are increasing, we are developing an outreach/educational program on accessible recreation. We plan to begin with the County Offices for the Disabled, but also plan to contact parent/teacher organizations, the landscape architects professional association, the public works professional association, and local recreation and parks departments.

For additional information regarding the Barrier Free Recreation, please contact Gail Weikel at 609/530-8788.

Source: Gail R. Weikel
Code Development and Assistance

Provisional Licenses

It has come to our attention that there is confusion regarding provisional licenses. Provisional licenses can be granted once only, and they are granted only for administrative licenses. Furthermore, provisional licenses are granted only to allow a licensee to complete the appropriate approved course, not to fulfill the experience requirements for licensure. Finally, these licenses are issued only for a period of two years, and it is the applicant's responsibility to send to the Licensing Unit proof of completion of the approved course, so that the provisional status may be removed from the license.

Source: John A. Delesandro
License Examiner, Bureau Of Code Services

Fire Sprinkler System Supply Lines

For the past few years, I have received a number of complaints from fire subcode officials, fire sprinkler designers, and contractors who say that certain water companies are requiring a dedicated fire service line and are not allowing a limited area fire sprinkler or combination system fire sprinkler and domestic water connected to a common service line.

The Department of Community Affairs (DCA) has reviewed the matter and has determined that this requirement by a water company violates the Uniform Construction Code (UCC) because it is more restrictive. As a result, the DCA issued a cease and desist order to one water company. The Board of Public Utilities supports this position. The problem is that this has apparently not resolved the issue; I continue to get inquiries about this dedicated fire sprinkler supply line issue.

The purpose of this article is to inform you that we in DCA are continuing our efforts to completely resolve the issue. If you encounter this situation, I would appreciate your providing me with the specifics. I can be reached at 609/530-8838.

Source: Gerald E. Grayce
Bureau of Regulatory Affairs

Proper Disposal of Construction Material and Debris

Over the past few years, there has been increasing concern about the reuse of construction debris from a demolition project as "fill" on the site of origin. The Department of Community Affairs (DCA) requested and received guidance on this issue from the Department of Environmental Protection (DEP). The purpose of this article is to provide you with DEP's position on this issue.

Concrete, brick, and block are classified as Class B recyclables and are regulated by the DEP, Division of Solid and Hazardous Waste, Recycling Regulations (*N.J.A.C.* 7:26A). People who generate Class B recyclables have two options of disposal. The first is to transport the material to a recycling center; the second is to reuse the material on-site as clean fill.

The recycling or reuse of these materials that are generated, processed, and re-used on-site are exempted from the approval requirements of the DEP (*N.J.A.C.* 7:26A-1.4(a)2). To qualify for this exemption, the DEP, the host county, and the host municipality must be provided with written notification of the activity as per *N.J.A.C.* 7:26A 1.4(b)5. Notification to the DEP should be sent to: State of New Jersey, Department of Environmental Protection, Division of Solid and Hazardous Waste, CN 414, Trenton, New Jersey 08625-0414 (Fax No. 609/984-6874).

To be considered for an exemption, all of the following conditions must be met:

1. The material being used for clean fill is generated at the site. Materials may not be imported from other locations.
2. The material is not contaminated from exposure to chemicals from industrial processes or exposure to other contaminants.
3. The clean fill is not mixed with other materials such as wood, glass, plastic, etc.
4. The material is processed to reduce its size so as to minimize voids in the fill.

What effect do these requirements and exemptions have in the "real world"? An example may help: A homeowner wants to demolish his swimming pool and reuse the debris as fill in its place. He comes to your office to find out what he needs to do. You tell him he must get a demolition permit. He must also provide you with a site plan (not signed and sealed, just a sketch on an existing plot plan that shows where he is going to fill, which is — most likely — the site of the pool). He must provide evidence that he notified DEP at the above address as well as evidence that he notified the County (usually the Recycling or Solid Waste Coordinator); and he must notify the municipality (the Construction Office). Now work may start. Any debris that is not concrete, brick, or block must be removed from the demolition debris. This includes any rebar, vinyl (from the liner), or wood from the debris. The concrete, block, or brick must be broken up to the point where it will minimize voids in the fill. Although this size is interpretative, a good rule of thumb is 8 inches in diameter.

Should you have any questions regarding the DEP requirements or exemptions, please contact the Bureau of Landfill, Compost and Recycling Management at 609/984-6664.

Source: John N. Terry
Code Assistance Unit

Commercial Farm Buildings — Another Article

Over the past few years, several articles discussing commercial farm buildings have been written by various staff members. The Bureau of Regulatory Affairs still gets complaints regarding the classification of buildings and fees charged for these structures. Thus, another article.

New Jersey is one of the few states that regulate commercial farm buildings. Recognizing the need for some regulations, the Legislature addressed the subject through NJS 52:27D-123.2, 123.3 and 123.4. As a result, *N.J.A.C.* 5:23-3.2(d) was adopted in 1981 and has been revised several times since. Section 3.2(d) defines commercial farm buildings and addresses the specific code requirements for this type of structure. The rules should be clear by now, but there is still apparently some confusion as to what a commercial farm building is and how it should be treated.

1. A building must be located on a farm which produces not less than $2,500.00 worth of agricultural or horticultural products annually. Its main use or intended use must be related to the production of agricultural or horticultural products produced on that farm.
2. The buildings must comply with the provisions of S-2 Use Group. The use group, however, is not restricted to S-2 uses. Since not all S-2 buildings are commercial farm buildings, the regulations cite examples of the types of uses permitted to be

classified as commercial farm buildings. Various modifications to specific code requirements are then permitted for these structures.

3. Fees — The Bureau has received complaints regarding the amount of permit fees charged by certain local enforcing agencies. For new construction, *N.J.A.C.* 5:23-4.20(c)2.i(1) (Department fees) references a specific cubic footage fee for commercial farm buildings which is substantially lower than other volume computations. While standards for municipal fees (*N.J.A.C.* 5:23-4.18) does not reference a specific fee for commercial farm buildings, it certainly seems appropriate for you, as Construction Official, to include a special commercial farm building fee in your ordinance.

Should you have any questions, I may be reached at 609/530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs

Three-Compartment Sinks

Let Me Count the Ways

How many ways are there to install a three-compartment sink? Well, let's see: There are three bays. Each bay can be plumbed either directly or indirectly, and can either be run — or not run — through the grease trap. If my mathematics are correct, that gives 27 ways of connecting the grease trap. The question is: How many of these 27 ways are code conforming?

Direct Conflict

Which bays have to be connected indirectly? Does the State Sanitary Code address this issue? The answers are none and no. The National Standard Plumbing Code (NSPC) clearly allows dishwashing sinks to be connected with a direct connection (at NSPC section 9.1.2 c.). Although the State Sanitary Code does require certain kinds of equipment in the kitchen to be connected indirectly, the three-compartment sink used for washing dishes is not one of them. The Sanitary Code requires an indirect connection for equipment that is enclosed, such as an ice making machine, a refrigerator, or a steam kettle. This type of equipment presents a special concern because, if it is directly connected, sewage can back up into it undetected. Additionally, both codes require that culinary sinks be connected indirectly. In some cases, especially for small restaurants, there may be only one sink. If the operation involves soaking food, the sink must be considered both a culinary sink and a dishwashing sink. Therefore, the sink must be connected indirectly.

Grease Is the Word

Now that we know all of the bays may be connected directly, we have to decide which of the bays must be discharged through the grease trap. Again, there is some overlap with the health inspector. According to the NSPC (section 6.1.2 b.), only wastes that need to be treated are allowed to go through the interceptor. This definitely eliminates the sanitize bay and it probably also eliminates the rinse bay. Therefore, the only bay that needs to go through the grease trap is the wash bay. Invariably, then the question becomes: which bay is the wash bay? Does the dishwasher work from left to right or from right to left? The simple solution from the construction code perspective is to label the bays. The ongoing use of the fixture is not an issue for the plumbing inspector, but rather falls under the domain of the health inspector.

Source: Michael Baier
Code Assistance Unit

Construction Board of Appeals — New and Improved

Following a rule proposal, a public hearing and a subsequent rule proposal, amended regulations governing construction boards of appeal have now been adopted. The amended regulations have an operative date of January 1, 1997. I will briefly touch on those amendments which should be of interest to the code enforcement community.

The amended regulations were designed to establish greater consistency between Uniform Construction Code appeals and Uniform Fire Code appeals. Thus, the statutory requirement of a 15 day appeal period for fire code appeals has now been made applicable to construction code appeals. Under the revised regulations, the boards will no longer have the authority to consider construction code appeals which have been filed out of time.

An issue of long concern has been the frequency with which some boards have scheduled meetings. Since the Uniform Construction Code Act requires the board to hear cases within 10 business days following submission of an appeal, the rules now require boards to meet as often as necessary to meet the statutory requirement, but in no case less than once a month. Provisions have been made in the regulations for 48 hours advance notice to board members when meetings are canceled for lack of business.

The granting of adjournments of hearings has also been addressed by the amended regulations. The State Uniform Construction Code Act requires the applicant's consent for any extension of the 10 day time period which the board has to consider the appeal and issue a decision. This statutory requirement was subject to abuse by some applicants who were willing to extend the time for decision in order to maintain the status quo. The amended regulations recognize the need for prompt resolution of matters involving life safety in occupied buildings. Thus, in those appeals, any adjournment of the matter now requires the consent of the enforcing agency.

There has been a new qualification category added to the board of appeals membership. Now at least one member of the board has to be certified as a fire official. A member qualified in another category, if he or she holds the fire official certification, is permitted to fulfill this requirement. Also, the amended rules require there be at least five alternate members. These alternate members are to be chosen to ensure there will be at least one alternate member in each qualification category. Provisions have also been made for alternates qualified in the elevator subcode who

will be able to participate in elevator subcode appeals in the absence of a regular board of appeals member.

The procedures for board decisions have been clarified. The board must now specify in its decision the reasons for any disagreement it may have with the actions of the enforcing agency. Penalties may be reduced only if they are clearly excessive or not authorized by statute or rule.

A board must explain in its decision any reduction of a penalty and indicate why the reduction will not impede deterrence of future violations. The enforcement costs incurred by the local enforcing agency are to be taken into account. A penalty is not to be eliminated if there was no good faith compliance effort prior to the initial penalty; also, any reduction of the penalty shall be contingent upon correction of the violations within 30 days.

Time and space do not permit discussion of other pertinent aspects of the amendments. These include municipal fee appeals, which are now to be handled by the county boards, the revised hearing procedures involving the submission of written testimony, and the recognition of the board's subpoena powers. Code officials should review the adoption at page 2586 of the May 20, 1996 *New Jersey Register* in order to be prepared for the new procedures. Any questions concerning the adoption can be directed to my attention at 609/530-8838.

Source: Robert Hilzer, Esq.
Bureau of Regulatory Affairs

Signed, Sealed, Delivered

Permit applications for work that falls under the Master Plumbers Licensing Law definition of plumbing need to be sealed. This is probably one of the best enforced requirements in the code. But recently, the licensing board has suggested that the seal is really only part of the story. Currently, there are about 400 people who have seals, but whose licenses are not valid because they have failed to renew.

How do you make sure that the seal still represents that the individual is a licensed master plumber? Along with a pressure seal, plumbers are issued a wallet identification card. The card contains an expiration date and is reissued when the plumber renews the license. Inspectors can ask that a photocopy of the wallet card be submitted at the time of permit application. Inspectors cannot require that the contractor appear in person to seal the application and produce a wallet card.

Source: Mike Baier
Code Assistance Unit

Permits and Penalties

You discover that a contractor has installed a new deck without the required permit. This is not the first time this contractor has failed to obtain a required permit. When the contractor comes to your office with the permit application, you give him a notice of violation and an order to pay penalty. You also inform the contractor that he must pay the penalty before you will issue the permit. The contractor protests and refuses to pay the penalty. What is wrong with this scenario?

The Bureau of Regulatory Affairs gets calls and written complaints about this situation regularly. Our response to the complainants is to inform them that you, the code official, should not hold up the permit until the fine is paid. However, at *N.J.A.C.* 5:23-2.24(a)4 (reprinted below), the Uniform Construction Code (UCC) clearly allows the certificate of occupancy/approval to be withheld until the fine is paid.

N.J.A.C. 5:23-2.24(a) Certificate of occupancy shall be conditioned upon the following:

1. That the completed project meets the conditions of the construction permit, the approved drawings including all amendments, and all prior approvals;
2. That all required fees have been paid in full;
3. That all necessary inspections have been completed and that the completed project meets the requirements of the regulations;
4. That all violations have been corrected and that any assessed penalties have been paid.

This regulation and the applicant's right to appeal a penalty prevent requiring the payment of a penalty prior to the issuance of a permit. Withholding the certificate of occupancy or approval until the penalty issue is resolved is the appropriate way to deal with this situation under the UCC regulations.

If you have questions or comments, please contact William Ferguson at 609/530-8862.

Source: William Ferguson
Bureau of Regulatory Affairs

C.E.U. Requirements for U.F.C. Conversions

Those licensees who want to renew their Uniform Construction Code (UCC) licenses for less than three years, to correlate their UCC license expiration date with their Uniform Fire Code (UFC) Certification expiration date, must pay the same renewal fee of $65.00, but will have their C.E.U. requirements reduced as follows: 0.5 C.E.U.'s per year for each Technical license; 0.0 C.E.U.'s up to one and one half years for Administrative licenses; 0.5 C.E.U.'s after one and one half years for Subcode Official; 1.0 C.E.U.'s after one and one half years for both Subcode and Construction Official licenses.

For example, if a licensed Construction Official renews his or her licenses on January 31, 1997 and requests that his or her expiration date be July 31, 1999 (rather than January 31, 2000), he or she would be required to complete 1.0 C.E.U. for each technical license possessed and 1.0 C.E.U. for administrative licenses (0.5 for Subcode Official and 0.5 for Construction Official). If you have any questions on this policy or any other licensing issue, you can call the Licensing Unit at 609/530-8803.

Source: John A. Delesandro
License Examiner, Bureau of Code Services

Standard Forms

The adoption of the changes to the standard forms will appear in the *New Jersey Register* about the time you receive this *Communicator*. So, anyone whose office is running low on standard forms should make a small replacement order. Revised standard forms will be available shortly! On a related note, changes to standard forms will also be reflected in DCA's UCCARS software. Watch for the announcement of UCCARS support seminars and distribution of the new software release. For those construction code enforcement offices that use a UCCARS-like software product, please contact your software developer concerning the necessary changes to the product you use.

Source: Berit S. Osworth
Division of Codes and Standards

BOCA/International Code Change Submittals

This is just a reminder that all code change proposals for both the BOCA Code and the International Code must be submitted by November 1, 1996.

Code change forms may be obtained either by calling the BOCA Eastern Regional Office at 215/638-0554 or by calling the Fax On Demand System. To use the Fax on Demand, call 708/799-2300, select #6, enter the document numbers you want, and then enter your fax number. The documents will be in your office in a couple of minutes. The BOCA Code Change and Submittal Procedures Form is document 2001. The International Code Change and Submittal Procedures Form is document number 4501. If you want a list of all documents available, request document number 1000. You may select up to three documents on each call.

The spring meeting for the BOCA Codes will be April 7–16, 1997 in Oakbrook, Illinois. The dates and location for the International Code spring meeting will be announced shortly.

Source: Code Assistance Unit

Having Problems Getting UCCARS Software to Work with Your Network?

UCCARS software can be used on Personal Computer Networks. So far, the UCCARS software has been successfully used on Novell, Lantastic, and Windows NT based networks. The primary reason for the networking of computers is to share the information and data entry responsibilities between workstations or personal computers.

The successful installation of UCCARS software is best tested by the selection of Send Data to DCA from the UCCARS main menu. If this works, the network has been properly setup for the UCCARS program. The main reason for the failure to transmit data is an improper root map on the user's log-in and the network. UCCARS software must be mapped to a root directory in order to transmit. For example: The UCCARS software has been installed onto a fileserver (the PC designated as such) called Newtown. The software is further installed into a subdirectory called applications. The map root would be J: Newtown Applications. The command in Novell is map root L:=J:/Newtown/Applications. L is any available drive designation not already in use. The Uccars.bat file is copied to L: and the UCCARS program is run from L.

On a Windows NT network the only thing necessary is to run the program from the proper drive designation for the program, such as F: Drive. Additional questions may be directed to DCA, Division of Codes and Standards, Larry Wolford at 609/984-0040.

Source: Larry Wolford
Division of Codes and Standards

Recycled Building Products Workshop

The Department of Environmental Protection is sponsoring a recycled building products workshop on October 2, 1996 at the Holiday Inn, Cranbury, New Jersey. The fee is $60.00. For additional information contact Steven Rinaldi, DEP, Division of Solid and Hazardous Waste at 609/984-3438.

Source: Steven Rinaldi
Department of Environmental Protection

Municipal Monthly Activity Reports

When you are preparing municipal monthly activity reports please remember that resale certificates should *not* be included on the certificate activity reports. Only those certificates issued as a result of construction should be included. Also, do not forget to complete the number of housing units gained or lost where appropriate. Lastly, the fees collected section pertains to all permit fees, both residential and non-residential. As these reports reflect monthly activity, they should be submitted monthly.

Source: Team UCCARS

Control Persons Association

There is a Control Persons Association starting in Monmouth/Ocean Counties. Come and join our new organization! The second meeting will be held in October 1996. If interested, please contact Lynn Mizer, Millstone Township Building Dept., 908/446-4415, or Patricia Famularo, Colts Neck Building Dept., 908/409-7139.

Source: Control Persons Association
Monmouth/Ocean Counties

Northern Regional Office Relocation

The Northern Regional Office of the Bureau of Local Code Enforcement has moved. The new mailing address and telephone number is: Northern Regional Office, #171 Route 173, Suite 107, Asbury Park, New Jersey 08802 (Telephone 908/713-0722).

Source: Mitchell Malec
Acting Bureau Chief, Bureau of Local Code Enforcement

New Jersey Register Adoptions Fall 1996

Date	Adoption
6/17/96	28 NJR 3120(a) Private On-Site Agencies; Adopted Amendments: *N.J.A.C.* 5:23-4.5 and 4.14; adopted 5/17/96, effective 6/17/96, operative 10/1/96.
	28 NJR 3121(a) Barrier Free Subcode, Recreation; Adopted Amendment: *N.J.A.C.* 5:23-7.2; Adopted 5/15/96, effective 6/17/96, operative 10/1/96.
7/1/96	28 NJR 3301(a) Construction Permits - Exception for signs; Adopted Amendment: *N.J.A.C.* 5:23-2.14; Adopted 5/24/96, effective 7/1/96, operative 10/1/96.
7/15/96	28 NJR 3549(a) Elevator Safety Subcode, Seasonal Facilities; Adopted Amendments: *N.J.A.C.* 5:23-1.4, 2.8, 2.18, and 12.6; Adopted New Rule: *N.J.A.C.* 5:23-12.10; Adopted 6/17/96, effective 7/15/96, operative 1/1/97.
8/19/96	28 NJR 3923(a) Municipal Enforcing Agencies; Adopted Amendment: *N.J.A.C.* 5:23-4.4; Adopted 7/15/96, effective 8/19/96, operative 11/1/96.

Source: John N. Terry
Code Specialist

Focus Group for UCCARS Software Redesign

Attention UCCARS users, or those interested in UCCARS software, we are gathering information in order to organize a FOCUS group for the UCCARS software redesign. If you are interested in, or have suggestions for, this group please complete the following form and mail to: NJDCA, Division of Codes and Standards, CN 802, Trenton, NJ 08625-0802, Attn: UCCARS Focus Group.

FOCUS GROUP

Name _____ Title _____

Muni. in which you work _____ Muni. Code _____

Work Address _____

_____

Phone _____ Fax _____

Current System _____ Current Hardware _____

Network? Y/N Novell Windows NT Other (Please Circle One)

Interested in Focus Group? Y/N (Please Circle One)

Suggestions: _____

_____

_____

_____

Please attach additional pages(s) if necessary

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Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

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Multi-Family Residential Barrier Free Compliance

In July, Commissioner Jane Kenny participated in a press conference with David Lazarus and David Popiel, attorneys from the Community Health Law Project (CHLP), Eileen Goff, an advocate for people with disabilities, and William Connolly, Director of the Division of Codes and Standards. (John Del Colle, the Chair of the Barrier Free Subcode Committee, had a scheduling conflict and was, unfortunately, unable to attend.) In the press conference, Commissioner Kenny announced a plan of action that the Department of Community Affairs (DCA) would undertake to improve multi-family residential compliance with the Barrier Free Subcode (BFSC).

Earlier in the year, the Community Health Law Project had received a grant from the United States Department of Housing and Urban Development (HUD) to conduct an investigation of multi-family residential projects in New Jersey to evaluate their compliance with the Federal Fair Housing Amendments Act. Because the Barrier Free Subcode is at least as stringent as the Federal Fair Housing Amendments Act of 1988 (guidelines implementing the Federal law were published in March 1991), we in the Department of Community Affairs thought that the CHLP would find that there is fundamental compliance. That proved not to be the case.

Representatives of CHLP visited 14 multi-family residential construction sites and determined that none of the projects complied fully. Upon learning this, we in the Department of Community Affairs were skeptical that there could be such widespread non-compliance, so we undertook an investigation of the same projects. That investigation substantially confirmed the CHLP findings.

Naturally, we wondered why so many projects did not comply. We based our search for an explanation on two premises: (1) rules that are clearly written can be uniformly enforced; and (2) licensed code officials diligently enforce the UCC insofar as it is known and understood. We turned to our Barrier Free Subcode for an explanation. It was an eye-opening exercise.

Due to the Permit Extention Act, permit applications for the projects had been filed over a considerable length of time. A couple of projects had received building permits for compliance with the

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Barrier Free Subcode that was in effect in 1985; several had received building permits between 1986 and 1990; most had received building permits between 1991 and 1996; a few were pending planning board approval and were required to comply with the 1995 revisions to the Barrier Free Subcode.

The projects had several features in common. All included buildings with flats over flats; some also had multi-story dwelling units — more than one story of living space in each unit (commonly called "townhouses"). Some projects had only two-story buildings; some included three-story buildings; a few had four-story buildings. All of the sites visited were "garden style" or "home style" units. (It is generally accepted that the large apartment/condominium buildings that are served by common core elevator(s) provide the accessibility that is required by the BFSC.)

As we looked at these common project features and as we studied the BFSC in its different editions (1977–1986; 1986–1990; 1990–1995; 1995 to present), we realized that the requirements for multi-family residential projects have not changed very much. We also realized that the language that contains those requirements has changed a great deal.

We concluded that there must have been some problems of clarity with the language in the BFSC. First, we saw that the 1995 changes to the BFSC stated clearly the effect of firewalls on multi-family residential accessibility requirements — and the effectiveness of the language was reflected in the number of telephone calls we received with people asking when the requirements changed and became so much more stringent. We concluded that, although it was technically accurate, the language in the earlier code editions had not been well understood. Second, we looked into the effectiveness of the Barrier Free Subcode course that is part of continuing education. By talking to past and current teachers and students, we found that until 1995 the course had emphasized accessibility in commercial buildings. Multi-family residential requirements had not been addressed in depth. Because we know that there is substantial compliance with the BFSC in commercial buildings, we concluded that education is an effective means of gaining compliance. The Barrier Free course has been revised to emphasize multi-family residential accessibility.

With the fundamental belief that (1) clear code language improves uniform enforcement and (2) code officials enforce those code provisions that are well-understood, Commissioner Kenny committed the Department of Community Affairs to the following actions to improve Barrier Free multi-family residential compliance:

1. The building subcode official will be the official designated with primary responsibility for enforcement of the BFSC;
2. The building subcode official will be required to take the course in the Barrier Free Subcode;
3. Two inspections will be required — one at framing and one a final — and these inspections will be included on the standard forms;
4. The Department will reach out to local planning and zoning boards to be sure that multi-family residential site plans submitted for approval include the space for required accessible routes and accessible parking; and
5. The Department will conduct random monitoring of multi-family residential sites to ensure that the rules are being uniformly enforced throughout New Jersey.
6. In addition to these five steps, the Department encourages local officials who receive plans that make no — or minimal — attempt to comply with the code to report those design professionals to the Board of Architects.

New Jersey has been a national leader in accessibility, for nearly 20 years. It is time to make sure that accessibility is enforced as effectively as are other code provisions. After all, access for all people should not be thought of as "something extra" or "an afterthought" or "nice to do." Accessibility should not be considered "a pain" or "not important" or "too expensive." Accessibility is a fundamental building code requirement. It's the law.

Let's enforce the code. Let's retain our national leadership.

Source: Emily Templeton
Code Development

Accessibility Requirements for Bus Shelters

The Department has recently been made aware of a large number of bus shelters being constructed in the State. The purpose of this article is to alert you to the accessibility requirements for these structures.

The bus shelter itself is required to be accessible. The first item which should be reviewed when these structures are submitted for approval is the entrance into the shelter. This entrance is required to have a minimum opening of 32 inches clear. The second part of the structure which should be reviewed is the size of the inner portion. The inner area is required to be provided with a minimum of five foot turning radius or a T-shaped space within a 60 inch minimum with arms 36 inches minimum and 60 inches long. (For a better understanding of the T-shaped space, please refer to Appendix B of CABO/ANSI A117.1, Figure B4.2.3.)

If the bus shelter abuts an accessible route, such as a public sidewalk, the accessible route is required to be continued into the bus shelter. This route is required to have a minimum clear width of 36 inches and to be stable, firm, and slip resistant.

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If the shelter is provided in a rural setting without sidewalks, there is no need for the accessible route to be created to serve the shelter. The interior space, however, is still required to be accessible.

In an attempt to save myself a large number of telephone calls regarding this article, I will attempt to answer a couple of questions which beg to be asked. The first question is: "We do not have any accessible buses in our town, do we have to provide accessible bus shelters?" The answer is yes, if bus shelters are being constructed. There is a Federal law which requires buses to be accessible; the Uniform Construction Code, specifically the Barrier Free Subcode, requires buildings and structures to be accessible. The second question that comes to mind is: "The bus shelter is less than 100 square feet and does not require a foundation to the frost line. How does accessiblity affect these provisions or exemptions of other subcodes?" The answer is not at all. The provisions for accessible features does not trigger the installation of a foundation or compliance with the provisions of other subcode items; these requirements are separate and distinct.

I trust this clears up some of the questions you might have with regards to these types of structures. Should you have any questions which I have not answered, give me a call at 609/530-8793.

Source: John N. Terry
Code Assistance Unit

Barrier Free Recreation

An accessible route of travel is required to connect the following elements in each recreation area: at least one site access point with support facilities, accessible recreation facilities, and accessible recreation equipment. This is one of the key provisions in the rules for Barrier Free Recreation. Another key element is that the surface of an accessible route must be *stable, firm,* and *slip resistant.*

The Code Development and Assistance Section is producing a series of brochures that address accessible recreation requirements. One brochure outlining "Accessible Sites and Equipment" is now available and has been sent to some interested parties. Additional brochures outlining the following recreation elements will be available shortly:

"Trails — Camping — Boating and Fishing"

"Pools — Swimming and Skating — Ice and Roller Rinks"

"Golf — Ski Lifts, Aerial Tramways — Equestrian Facilities"

"Playing Fields — Court Games — Equipment"

If you are interested in obtaining any of these brochures (as they become available) or if you would like to be included on the interested parties mailing list for accessible recreation, please contact me at 609/530-8788.

Source: Gail R. Weikel
Code Development and Assistance

Effects of the Barrier Free Subcode Amendments on Prototype Approvals

As per *N.J.A.C.* 5:23-2.15(e)3.iii, which states:

> The release of plans or prototype approval shall be valid for the purposes of applying for a construction permit until six months after the operative date of the next edition of the code, as set forth in *N.J.A.C.* 5:23-1.6(b)."

The operative date of the "new" Barrier Free Subcode was July 1, 1995. The six month grace period expired on January 1, 1996. As with any other "edition of the code," prototype approvals which were affected by the requirements of the new Barrier Free Subcode should have been resubmitted for approval.

Source: John N. Terry
Code Assistance Unit

Due to popular demand, the following article is being reprinted from the Spring 1995 Construction Code Communicator.

Requirements above and beyond the Code

It has been brought to the attention of the Department that confusion exists with respect to the application of *N.J.A.C.* 5:23-2.2(c) by construction and subcode officials. The regulation states, "Any requirement for structural, fire or sanitary safety of a building or structure, or essential for the safety of the occupants thereof and which is not specifically covered by the regulations, shall be determined by the construction official and appropriate subcode official." Instances have occurred where this regulation has been misapplied by code officials in an attempt to obtain what they wanted rather than what was intended by the regulations.

This section of the regulations should only be utilized when a situation occurs which is not addressed in any manner by the various subcodes which comprise the Uniform Construction Code. It should not be utilized to prohibit a procedure or installation which is not prohibited by the model codes. If a construction official, subcode official, or licensed inspector has an objection to a particular procedure or installation, he/she must be able to reference a particular model code section to justify the objection. Otherwise, what was intended to be a uniform construction code becomes a code personalized to each official's particular concerns with no real opportunity for consensus on what is and what is not a violation of the code. If an official believes that a matter comes under the requirements of *N.J.A.C.* 5:23-2.2(c), he/she should not only provide for the necessary requirements for a safe installation, but should also work to have the situation addressed by the code. This will help to eliminate the exercise of discretion on the part of the code official which causes much confusion, delay, and expense in the construction industry.

Source: Robert Hilzer
Bureau of Regulatory Affairs
Construction Code Communicator, Vol. 7: No. 1: Spring '95

The Effects of a Driving Rain

The degree of safety in any industry is always a balancing act. For example, the auto industry has been prompted to make their products more safe by providing either air bags, anti-lock brakes, or automatic seat belts. Clearly, cars would be safer if equipped with all three, but the industry has compromised. It's the old battle between cost and benefit.

How safe is safe, and how redundant building systems have to be, is a line that moves every time a new edition of the code is adopted. Sometimes people try to move this line even when code sections don't change. This seems to be the case with roof drains.

The building subcode is the place in the UCC where the issue of secondary roof drainage is addressed. Section 1609.5 says that "Roofs have to be designed for the maximum possible depth of water that would pond thereon as determined by the relative levels of the roof deck and the overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements." Now here is the kicker: "In determining the maximum depth of water all primary roof drainage means shall be assumed to be blocked." This language has been in the code since the 1981 edition. The way this section has been interpreted by BOCA is changing even though the section itself has not.

For many years, BOCA had drawings in its seminar materials and commentaries that showed a secondary roof drain that tied back into the primary drain under the roof deck. This recognized the fact that roof failures occur because the strainer on the roof drain can become clogged with debris that accumulates on the roof. Recently BOCA has begun advising people that they must consider a blockage anywhere in the roof drainage system. Interpreted this way, the secondary roof drain must be connected to a system that is completely independent of the primary system.

There is no doubt this is a safer system. But let's get back to cost benefit. What happened in the span between 1981 and 1996 that prompted BOCA to change the way it read Section 1609.5? After talking to insurance providers and BOCA, in terms of roof collapses, nothing happened. While there are several cases where roofs have collapsed due to debris such as leaves or pigeon feathers blocking the roof drain itself, I have not been able to find anyone who can document a roof collapse due to a blockage in the roof drainage piping.

Reading this section to require a complete secondary roof drainage system at this time appears to be the equivalent of the auto industry encasing drivers in a car full of pillows.

Source: Mike Baier
Code Assistance Unit

Dielectric Fittings!

"What is this?" "I have never heard about this.""Nobody uses it in single family homes.""Many code officials don't enforce it." "Other townships don't require this." And so on and so forth the questions keep revisiting us; the issue therefore needs clarification.

When dissimilar metal pipes come in contact with each other, there occurs galvanic corrosion in the presence of an electrolyte, such as water. Some metals corrode faster than others. Therefore, a method of protection against galvanic corrosion is necessary. Both the mechanical (M-704.1.1) and plumbing (4.3) subcodes require approved dielectric fittings or similar protection at joints for hydronic and potable water pipings. Numerous adapter fittings are available in the market and they are designed and listed to join different metallic pipe materials. They provide an electric isolation between dissimilar metal pipes conveying the fluid.

Code officials should carefully enforce the requirement of dielectric fittings compatible with the pipe material and working fluid. The code does not provide any exemptions for single family homes or smaller structures. Please call the Code Assistance Unit at 609/530-8793 with any questions.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

'Well' It Ever End?

Recently the Bureau of Regulatory Affairs has been made aware of ongoing problems regarding the plumbing official's responsibility concerning individual private wells and well or water conditioning equipment.

As most plumbing officials are aware, Chapter 17 of the 1993 edition of the National Standard Plumbing Code, Potable Water Systems, has been deleted in its entirety by *N.J.A.C.* 5:23-3.15(b)17. The existing standards of the Department of Environmental Protection and Boards of Health with respect to individual on-site water supply systems remain in effect. However, Section 10.12.2 of the 1993 National Standard Plumbing Code requires a building valve located inside the building near the point of the water service entrance and is clearly the responsibility of the plumbing official.

Confusion arises regarding the specific location of the building valve. Some plumbing officials believe this valve should be located at the point the well water supply pipe enters the building, which would position the valve upstream from the pressure tank and any water conditioning equipment. But this presents a problem because this valve could be manually closed which could cause a submersible pump to pump continuously into a dead-end. Furthermore, added confusion arises because the equipment is located downstream from the building valve which puts it in building water distribution piping, which is, as we know, the responsibility of the plumbing official.

In an attempt to clarify the issue, the Bureau of Regulatory Affairs recommends the following to the plumbing official:

1. Require the building service valve as close as possible downstream of any well or conditioning equipment. Pumping equipment can be shut down electrically upstream from the building service valve in an emergency.

2. Any well/water conditioning equipment upstream from the building service valve is not the responsibility of the plumbing subcode official. Specifically, the plumbing official has no responsibility for materials, performance, connections, backwash discharge, sizing or any other aspects of this equipment. The local health department has responsibility for approving this equipment.
3. If a building valve is to be moved to accommodate new well equipment or water conditioning equipment, a plumbing permit must be obtained by either a licensed master plumber or a homeowner, as appropriate. The purpose of this permit and subsequent inspection is to ascertain if the change of piping arrangement to accommodate the appropriate building valve is code compliant. Mentioned above, the new well/water conditioning equipment installed as a result of the piping change is not the plumbing official's responsibility.
4. If it is determined that there is inadequate water pressure which proves insufficient to provide flow pressures at fixtures outlets pursuant to Section 10.14.4 of the 1993 National Standard Plumbing Code, the official can issue the appropriate notice(s) to rectify the code violation. However, the official should be concerned with the pressure only, not any contributing factors that could be associated with well or water conditioning.

Source: Thomas Uber
Bureau of Regulatory Affairs

Education and Training Assessment

A working group has been put together to provide insight and experience as we review and evaluate the Uniform Construction Code Enforcement Education and Training Program. Are the inspectors getting the education they need to implement and perform their official duties? Should we make some changes or additions?

This review applies to both continuing education and college education requirements for licensing. This study will continue over the next year. If you have input, we will welcome your comments. Please contact Andy Jaskolka, Review Coordinator, at 609/530-8798.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Code Services

Bulletins!!!! Bulletins!!!!

Confused about the revised bulletins? Yes, recent revisions to some of the bulletins created some confusion. When a bulletin is revised, two numbering systems are being followed. If no significant changes took place over the years and the bulletin has been revised due to new code citations and minor modifications, the old bulletin number has been retained and the date of revision is included in the bulletin. Where regulations have been changed and substantial new developments have taken place, the bulletin has been assigned a new number with current date and year; a note tells which bulletin it superseded. In the future, the Table of Contents will detail the actions taken on revised bulletins. Bulletin 88-6, Permits for Retaining Walls, is a good example of the category where the changes were minor and the original number was retained. Bulletin 96-2 in signing and sealing construction documents, which will be available shortly, is a good example of the category where a new number is assigned because there were substantial changes.

If there are any questions or comments, please call the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

Hydraulic Elevators — Phase Protection

A problem that was noticed with some of the Roped Hydraulic Elevators was brought to the Elevator Safety Unit's attention. We would like to share this information with the Elevator Subcode enforcing community. The following is the information provided:

Recently we had a problem at a job which has an early model of Roped Hydraulic Elevator, the problem was that the elevator couldn't run; it was on the limits. During troubleshooting, we discovered that this particular elevator had a "PHASE PROTECTION" relay, which will shut the elevator down in the event of the loss of a phase; however, our problem was that somehow the phases to the elevator had been switched, so that there was no "reverse phase relay" and the end result was that the motor ran backwards, sucking oil rather than pumping oil.

Reminder: Phase Reversal and Failure Protection requirement for hydraulic elevators powered by the polyphase alternating-current motors was first introduced in the ASME A17.1-1986 supplement.

Source: Paulina Caploon
Elevator Unit

Northern Regional Office Address Correction

There was an error in the address given for the Northern Regional Office in the Fall 1996 Construction Code Communicator. The correct address is:

Northern Regional Office
#171 Route 173, Suite 107
Asbury, New Jersey 08802
Telephone: 908/713-0722

Source: Mitchell Malec
Acting Bureau Chief
Bureau of Local Code Enforcement

Those Questions the ISO Is Asking Are Hard!

Construction officials throughout New Jersey are receiving questionnaires from the Insurance Services Office (ISO), which will use the results to evaluate the effectiveness of construction code enforcement offices. The ISO evaluation consists of two parts — the questionnaire and a visit to each office by an ISO representative to discuss the questions and answers. Once an evaluation is complete, each town will be given a classification number. The highest classification is 1; the lowest is 10. Towns that do not respond to the questionnaire are considered non-participants and are assigned a classification that indicates "non-participant." Starting in 1997 (that's this year!), insurance companies will have the option of offering insurance discounts on newly constructed buildings. The level of discount will be tied to the town's classification. A classification of 10 and towns classified as "non-participants" will not have access to the discounts.

The Department of Community Affairs has been working with ISO to be sure that our Uniform Construction Code (UCC) is well understood. When you receive your questionnaire, you will notice that some of the questions are asked in a way that makes them a little confusing to answer. This is because the questionnaire is designed to serve all code enforcement jurisdictions in the nation, even those with limited code enforcement.

So, we at DCA are providing the following guidance, with the hope that it will help you fill out the questionnaire more accurately. As you review the questions, keep in mind that ISO is particularly interested in evaluating the effectiveness of code enforcement as it applies to a building's structural integrity. At this time, ISO is not evaluating fire safety, which is a separate program, or other, non-structural enforcement issues.

Background Data

The questionnaire is divided into several sections. It begins with Background Data. Although most of the questions in this section are clear, some need a little explanation.

QUESTION 6 asks for the name of the building official. Throughout the questionnaire, when ISO asks questions about the building official, it is looking for the name of the person who runs the code enforcement office, so in New Jersey they mean the construction official.

QUESTIONS 12 and 13 ask for the breakdown of permits by subcode. This information should be available from the UCCARS system.

QUESTION 14 requests data for "the most recent 12 month period." You can designate what the 12 month period is, but you must be sure that all your answers to all questions on the questionnaire are based on data from the same 12 month period. It can be a calendar year, a fiscal year, or any most recent 12 months. You should identify the period from which your data is drawn, for example, 7/95 – 6/96, 1/95 – 12/95, or 3/95 – 2/96.

QUESTION 16 asks about the number of variances from floodplain regulations that have been granted. This is a zoning question that should be referred to the zoning officer.

QUESTION 18 asks which natural hazards are addressed by amendments to the building code. Since the code is not amended, the response is "None."

QUESTION 22 asks how the code enforcement office is funded. The answer is the "Enterprise System," which means that it is supported by fees.

Administration of Codes

In this section, ISO wants to know whether a national model code is adopted (it is) and whether its structural provisions are amended (they are not).

QUESTION 5 asks you for the amount of money in your budget spent on training. Because they — and we — believe that training and education make better code officials, ISO wants to support (which means give points for) those municipalities that support training. DCA has worked hard to be sure that ISO understands the State training fee system, so that municipalities will get credit for having contributed to training. You should put "state training fee" in that space. If your municipality pays for you to participate in the national BOCA meetings, you can put the cost here. Also, if your municipality supports your participation in your local BOCA — or other subcode — chapter or supports your service to BOANJ, you can enter that here. Participation means more than membership; the municipality must allow you to spend time actively participating in local BOCA chapter meetings or national BOCA meetings. This applies to professional code associations for the other subcodes as well.

QUESTION 11 seeks information on the Construction Board of Appeals. This is a UCC issue and should be answered with the Construction Board of Appeals citation from the UCC.

QUESTION 14 says building official, but actually means construction official.

QUESTION 20 asks whether contractors or builders are required to be licensed. Electrical contractors and plumbing contractors are required to be licensed, so they should be included. New home builders are required to be registered, but not licensed, so that should be included. If your municipality requires any other building professional to be licensed, that should be included.

QUESTION 24 asks whether you report design professionals to their licensing boards if you find significant violations. If you do, say so.

Plan Review

In this section, ISO is interested in finding out the extent to which plan review is part of code enforcement. Remember, this questionnaire is designed to be answered by all code jurisdictions throughout the nation, and there are some places that do not require plan review at all, and there are some places that do not require plan

review for certain kinds of buildings, such as single family homes. When you think about the kinds of buildings that are destroyed or severely damaged in storms, you understand why ISO is emphasizing plan review.

QUESTION 10 asks whether the code enforcement office uses evaluation reports when a request to use a new product is submitted. These reports are provided as part of your BOCA subscription and we encourage using them. If you have used them, say so. If you accept them, say so. If you make them available to permit applicants or to design professionals, say so.

Inspection — Enforcement

In this section, ISO is trying to find out how diligent and effective the inspections are. Again, consider the kinds of building damage that results from natural hazards, and you will understand this emphasis on evaluating inspections.

QUESTION 2 asks for a breakdown of the total number of inspections performed. If one inspector inspects for compliance with more than one subcode (for example, building and mechanical) in one site visit, it counts as two inspections. This section is counting the number of inspections, not the number of site visits. The answer to this question should be reasonable. If the number reported is unusually high, the ISO representative will wonder about the quality of the inspections. If the number is unusually low, the ISO evaluator will wonder why so few inspections were completed.

QUESTION 3 focuses on building inspections because this program is concerned with the structural integrity of buildings.

QUESTION 6 asks for an "approximate" percentage of construction inspections resulting in correction notices, and QUESTION 7 asks about stop work orders. If your office has exact numbers, you should include them. If you do not have exact numbers, an estimate is fine.

QUESTIONS 9 and 10 ask about special inspections. Question 9 asks if you require them and, if you do, at what point — for example, size of project, complexity of project, or construction type. Question 10 asks whether the inspectors have to meet specific requirements for education and/or experience. The terms used in this question may not be clear. The "special" inspection here is the "required" inspection for which work must stop under the UCC; specifically it means the footing and foundation and the framing inspections. The inspector who makes those inspections is required by the UCC to be licensed and to have experience. Remember, the ISO is concerned about structural issues and wants to be sure that the buildings are being inspected for specific structural items; therefore, you will need to show the ISO representative that the inspection you make covers *all* required code items, including those for natural hazard mitigation, such as special fasteners, nailing schedules, roof and wall sheathing, roof tie-downs, and seismic and wind bracing. Thus, the response to Question 9 is that special — we say required — inspections are mandatory for all buildings and are not limited by size or complexity of the project. The response to Question 10 is that the inspectors are required to be licensed and to have experience.

Existing Buildings

This section is geared to property maintenance and is not directed at alterations or changes of use. However, the first section refers to adopted model codes. You should fill out this section so that it is clear that for all years since 1977, buildings were reviewed, inspected, and issued certificates of occupancy based on compliance with the model code in effect when the building was built. The history of the code adoptions was run as a table in the Fall 1993 *Construction Code Communicator.* If your municipality has a property maintenance ordinance, fill out the parts of this section that apply.

About the time you are receiving this issue of the *Communicator*, we will be sending a copy of this article to all construction officials with the appendix that gives the directions on how to get the information from UCCARS. To encourage full municipal cooperation, a copy of the letter will be sent to each mayor.

We hope this guidance helps explain the purpose of the ISO program and also helps you understand some of the individual questions more completely. If you have questions about how to pull information off UCCARS, please contact Team UCCARS at 609/292-7898; if you have questions about what is meant by any of the questions, please contact Lou Mraw at 609/530-8838 or Emily Templeton at 609/530-8788.

Source: Emily Templeton
Code Development

Five-Year Limitation Required on UCC Course Completions

A recently adopted amendment to the regulations (*N.J.A.C.* 5:23-5.5), provides for a five-year limitation on the acceptance of Uniform Construction Code (UCC) approved course completions. While the adoption has been approved, it does not become effective until February 1, 1997.

Therefore, if you have been waiting to upgrade your licenses and the courses you have completed are nearing the five-year limit, it is suggested that you submit an application for the license(s) desired as soon as possible to avoid having to take the course again. One other item to keep in mind regarding this regulation change is that a provision has been made to clarify tuition remission. The amended regulation makes it clear that an applicant can be reimbursed only once for completing a given UCC required approved course.

If you have any questions regarding this matter, or any other licensing issue, you may call 609/530-8803.

Source: John A. Delesandro
License Examiner
Bureau of Code Services

Elevator Records Management 102

In the process of performing elevator record reviews at local enforcing agencies (LEA's), recurring problems encountered involve the inputting of elevator inspections into the UCCARS as well as several other common problems which will herewith be addressed.

You may have noted that this article is 102 in an ongoing series dealing with this heretofore largely overlooked area. The first article (from the Spring 1996 *Construction Code Communicator*) will serve as "101" in the series. The rationale is that, instead of presenting detailed, all-encompassing articles annually, there will be more frequent, shorter articles dealing with a few points. We hope this provides enhanced comprehension and implementation.

First, no Construction Permits (UCC Form F-170C) or Elevator Technical Sections (UCC Form F-150) should be issued nor is it necessary to issue a permit number (actual or dummy) in order to enter elevator inspection activity/money into the UCCARS. The following is all you need to do:

Access the "miscellaneous payment and adjustment" screen and type in "ELEV". Be sure to enter all elevator inspections identically because deviating from the "ELEV" entry will result in a different category of receipts which will, in turn, result in an inaccurate elevator inspection total. The running total will show as a separate (from permit activity) category in the "Audit of Cash Receipts" column. To complete the entry process, you will need the block and lot number of the building. Should you encounter problems with the above, contact Larry Wolford at 609/ 292-7898.

When an elevator is removed from service (no work done to it), issue a Minor Work permit. If it is to undergo renovation or outright physical removal, issue both the Construction Permit and Technical Section (the fees collected for these are permit activity). Be sure to put a copy of the permit and technical section in the INSPECTION file for that building in order to allow any interested party access to the elevator's full history including why and for how long it was taken out of service.

In closing, we ask that all Construction Officials disseminate to the Elevator Subcode Official and/or Control Person this and any other *Communicator* articles pertinent to their functions. Please direct any questions relating to elevator inspection procedural requirements to me at 609/ 530-8833.

Source: Phil van Leeuwen
Elevator Safety Unit
Bureau of Code Services

Closing of Permits or Issuing Certificates in UCCARS

This article serves as a reminder to municipalities that all permits must be closed. In UCCARS, as well as in manual systems, this is done by issuing a certificate.

UCCARS I

In UCCARS SYSTEM I, after a permit has been entered and all inspections have been made as required by the Uniform Construction Code (UCC), the permit is ready to be closed. This is accomplished by following these steps:

- Select Enter Data from the Main Menu.
- Select Certificate Log from the next screen.
- This will bring up a screen that looks like the permit screen except that the program will be requesting that you input a certificate number. Enter the permit number.
- The input of the permit number will automatically fill in the information from the permit. You must select the type of Certificate to issue and enter the date the certificate is issued.

When you have done this, and have saved the data, the permit is closed.

There is one exception — Selecting a Temporary Certificate of Occupancy (TCO) means there is still work necessary before the issuance of a Certificate of Occupancy (CO); therefore, an expiration date for the TCO must be input.

UCCARS II

In UCCARS SYSTEM II, after a permit has been entered and all inspections have been made as required in the UCC, the permit is ready to close. This is accomplished by following these steps:

- Select Enter or Update Data from the Main Menu
- Select Certificate from the next screen
- This will bring up a screen that reads Certificate Applic'n (1 of 2).
- The program will be requesting that you input a certificate number. Enter the permit number.
- The input of the permit number will automatically fill in the information from the permit. You must select the type of Certificate to issue and the date the certificate is issued.

When you have done this, and have saved the data, the permit is closed.

There is one exception — Selecting a Temporary Certificate of Occupancy (TCO) means there is still work necessary before the issuance of a Certificate of Occupancy (CO); therefore, an expiration date for the TCO must be input. Then, the program will prompt you to either F2 to print the certificate or F10 to continue.

Once the data has been entered, not only can the program can properly report all certificate activity to DCA, but the municipality can maintain accurate records of permits which have not been inspected.

If you have any questions, please call Larry Wolford at 609/ 292-7898.

Source: Larry Wolford
UCCARS Unit
Division of Codes and Standards

How to "VOID" a Permit in UCCARS and Updating of Demolition Permits

In recent weeks we have received several calls regarding the updating of permits. The most common misconception evolves around permits for demolitions. A demolition permit is a separate permit and cannot be updated to include the new structure to be built or placed upon the site. If there are changes to be made to a demolition permit, such as a change in value or needed subcodes, they should be done using the 4th level password, as follows:

- Select Enter Data (System I) or Enter or Update Data (System II) enter your 4th level password.
- Select Permit Fee Log (System I) or Permit (System II).
- The program will offer you the choice of F2 to modify the permit number or F10 to continue. Select F10 to continue.
- The next choices will be F2 to create permit update or F10 to continue. Select F10; this will display the permit data as it was initially entered. You can change as many fields in the permit as needed. If there is a new structure to be built on the site of the demolition, the applicant must be issued a new permit.

The same procedure is used to void a permit in the system, with the following changes:

- Before changing the permit, go to the main menu.
- Select Enter Data or Enter or Update Data.
- Enter 4th level password.
- Select adjustments.
- Adjust out the money.
- Go back to Permit or Permit Fee Log.
- Input permit number to void.
- When prompted to select F2 to modify permit number, select F2.
- Change the number to 54-00001.
- Change the date of issuance to 01-01-54.
- Type void under name address fields.
- Save the permit.

If you have any questions, please call Larry Wolford at 609/292-7898.

Source: Larry Wolford
UCCARS Unit
Division of Codes and Standards

Building Safety Conference 1997

Calling all inspectors, control persons and interested parties! The Building Safety Conference of 1997 will be held in Atlantic City at the Trump Taj Mahal Casino Resort on May 7th through May 9th. As usual, there will be an early registration rate, but our fees have not yet been determined. The Taj Mahal will be setting aside a block of sleeping rooms at a special rate of $92 per room.

The second annual golf outing will take place on Wednesday, May 7th. Please consider being a sponsor or a player.

More information on all these events will be in the brochure to be mailed in early March. We encourage you to mark your calendar now and look forward to seeing you in Atlantic City in the spring.

Source: Education Unit
Bureau of Code Services

Certificate Program: Technical Assistant to the Construction Official

The purpose of this certification program is to formalize a training program to ensure that the key position of the Technical Assistant is given education appropriate to the level of responsibility in the full implementation of the Uniform Construction Code in our local jurisdictions. The Certificate represents a level of training and understanding of the UCC that will assure that critical administrative and technical duties are properly executed by these employees.

The Certification Program will consist of targeted courses as part of the continuing education program currently under grant with Rutgers University. The Certificate would be obtained over a two to three year period and would consist of a core curriculum of ten courses. Our goal is to implement this program in the Spring of 1997. If you have any questions, please contact the Education Unit at 609/530-8798.

Source: Susan McLaughlin
Supervisor, Education Unit
Bureau of Code Services

Attention: South Jersey Control Persons

We would like to announce the formation of a Control Persons Association for South Jersey. The C.P.A.S.J. is comprised of construction office employees from Atlantic, Cape May, Cumberland, Gloucester, and Salem Counties. This association will be dedicated to promoting and encouraging the exchange of information, education, responsibilities, and professionalism of the control person and to advance the recognition of the role we play in the construction office.

We have received positive feedback from our first two meetings and invite anyone interested in joining to contact Kathy Franzoi or Sharon Paterno from the Vineland Construction Office at 609/794-4113.

Source: Education Unit
Bureau of Code Services

Control Persons Association of Bergen/Passaic County

For you "Control People" who already know us, this is old news — but it's important news for those who are not yet aware of our organization.

We are in the second year of our organization, and our membership drive for the year 1997 is currently underway.

Our organization was formed with the idealism to educate thoroughly each and every one of us through information furnished by speakers, hands-on daily work contact with each other, and attending classes. Our endeavors have met with both praise and satisfaction by our superiors.

We have four meetings per year — March, June, September, and November. We try to have a guest speaker at each meeting.

Current Officers

Dorothy J. Giesenhaus — President — Saddle River
Linda Aiello — Vice President — Washington Township
Judy Russo — Treasurer — Montvale
Susan Syme — Secretary — Saddle Brook

Anyone working in a construction department is welcome to come. If you are interested in joining but are not in our immediate area, call Linda Aiello (201/666-0462). We are here to help.

Remember, this is a dual effort. Construction officials share this information. We all make it work.

Source: Dorothy J. Giesenhaus
President, Control Persons Association
of Bergen/Passaic County

Federal I.D. #22-3414713

Control Persons Association of Bergen/Passaic County
MEMBERSHIP APPLICATION

Name _____

Position _____ Phone _____

Municipality (or employer) _____

Address _____

City, State, Zip Code _____

County _____

Home Address _____

City, State, Zip Code _____

County _____

Home Phone _____

Applicant's Signature _____

Application must be complete in order to be processed.

FOR OFFICE USE ONLY

Date Received _____ Amount _____ Check # _____

Control Person of the Year

The Building Safety Conference Committee would again like to recognize a "Control Person of the Year" at the Spring 1997 conference. We feel that this team member is one of the most valuable players in the municipal organization of code enforcement.

The committee has agreed to continue to review nominations for this year. Next year, it is expected that the Control Person Associations will have a statewide executive board to carry on with the award.

The award is available to control people who meet the following criteria:

> A full time control person for the past five years in one or more New Jersey municipalities whose activities have advanced the efforts of code enforcement. A resume is to be included that highlights both paid and volunteer activities of the individual.

Nominations may be received from mayors or township committee members, the public at large, control person organizations, and other control persons. Nominations from construction officials will not be accepted .

Please respond with nominations by March 31, 1997 to: Building Safety Committee, Box 6604, Lawrenceville, NJ 08648.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Code Services

New Jersey Register Adoptions Winter 1996

Date	Adoption
11/4/96	28 NJR 4782 (a) Standard Forms; Adopted Amendments: *N.J.A.C.* 5:23-2.18A, 2.20, 4.5, 9.5, and 12.9; adopted 9/30/96, effective 11/4/96, operative 5/1/97.
	28 NJR 4783 (a) Radon Hazard Subcode; Notice of Administrative Changes: *N.J.A.C.* 5:23-10 Appendix 10-A.
12/2/96	28 NJR 5071 (a) Municipal Enforcing Agency Fees; Licensing; Adopted Amendments: *N.J.A.C.* 5:23-4.17, 5.5, and 5.7; adopted 10/23/96, effective date 12/2/96, operative date 2/1/97.
	28 NJR 5071 (b) Review Committees; Renewal of License; Adopted Amendments: *N.J.A.C.* 5:23-5.21 and 5.25; adopted 10/23/96, effective date 12/2/96.

Source: John Terry
Code Specialist

Focus Group for UCCARS Software Redesign

Attention UCCARS users, or those interested in UCCARS software, we are gathering information in order to organize a FOCUS group for the UCCARS software redesign. If you are interested in, or have suggestions for, this group please complete the following form and mail to:

NJDCA
Division of Codes and Standards
CN 802
Trenton, NJ 08625-0802
Attn: UCCARS Focus Group.

FOCUS GROUP

Name _____ Title _____

Municipality in which you work _____ Municipality Code _____

Work Address _____

_____

Phone _____ Fax _____

Current System _____ Current Hardware _____

Network? ❑ Yes ❑ No If Yes, which kind? ❑ Novell ❑ Windows NT ❑ Other

Interested in Focus Group? ❑ Yes ❑ No

Suggestions: _____

_____

_____

_____

Please attach additional pages(s) if necessary

Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 7 Number 1

Spring 1995

Just Married: The UCC and the Consumer Fraud Act — *Cox* v. *Sears Roebuck & Co.*

The New Jersey Supreme Court has set a new precedent with a case involving a homeowner and a home improvement contractor whose work was less than satisfactory.

The Consumer Fraud Act has been around in New Jersey since 1960. Over the course of time the Legislature toughened the Act; private lawsuits are allowed, and treble damages and attorneys' fees are mandated in some cases. The Department of Law and Public Safety implemented the Consumer Fraud Act with rules that include stringent language on home improvement contracts. And most recently, in 1994, the New Jersey Supreme Court for the first time linked Uniform Construction Code requirements into the Consumer Fraud Act.

In 1988, an 82-year-old homeowner contracted for kitchen remodeling with Sears. The total cost came to about $8,795. Some of the work required permits. None were obtained. In addition to poor workmanship, the contractor created code violations. A new microwave vent was installed to exhaust back into the house; newly installed ground fault interrupters weren't grounded; a receptacle box was installed with the polarities reversed, etc. Cost to repair the problems: $6,830. The homeowner's estate (he died) was awarded $20,490 (three times the repair cost) plus attorneys' fees, filing fees, and costs.

According to the Court's opinion in *Cox* v. *Sears Roebuck & Co.*, 138 NJ 2 (1994), the following is the legal test: If a seller of home improvement services commits an "unlawful practice" under the Consumer Fraud Act, and the buyer of those services (homeowner or noncommercial tenant) suffers any identifiable loss as a result, a court must, in addition to any other relief, award threefold damages as well as attorneys' fees, filing fees, and costs of suit.

Closer to home, the Court clearly stated that failure to obtain necessary permits for home improvement work is an "unlawful act" within the meaning of the Consumer Fraud Act. It is also an "unlawful act" when a home improvement contractor to ask for final payment before the work is completed and approved, and when the contractor does not give the homeowner or tenant a copy of what the Court calls "inspection certificates" before final payment or before the contractor asks for a "satisfactory" signoff on the job.

The Court's language does not always parallel that of the Uniform Construction Code. The Court uses, for example, the non-UCC term "inspection certificates" and the term "Certificate of Continued Occupancy" when a Certificate of Approval is the UCC-required evidence of approved work. The meaning of the Court, however, is clear.

We know work without a permit is an unlawful act. We've seen it discussed in these pages. It is stated in the Uniform Construction Code Act (*N.J.S.A.* 52:27D-130) and regulations

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(*N.J.A.C.* 5:23-2.14). The Department of Law and Public Safety's regulations even state it (*N.J.A.C.* 13:45A-16.2(a)10 — note that all of Subchapter 16 is devoted to home improvement practices in those regulations).

But the Uniform Construction Code is young, and the courts have addressed construction code enforcement issues in only a handful of cases. The Supreme Court of the State has now added its unique validation to construction code enforcement by affirming that certain violations of the Uniform Construction Code are also violations of the Consumer Fraud Act. Looked at another way, the judicial branch of government joins the legislative and executive branches in reinforcing the need for permits and inspections.

Weaving together two complementary laws, each strengthening the other, provides a sharp additional incentive to ensure permits are in place and inspections are requested when home improvement contractors undertake a job. The potential for multiple penalties has become significant.

The above doesn't do justice (pun intended) to a 23-page opinion, which is published at the noted citation, on page 2 of Volume 138 of *New Jersey Reports*. It's probably in your municipal attorney's office and might be recommended as required reading for contractors doing home improvement work.

Source: Vivian Lopez
Division of Codes & Standards

What Is Exempt from Training Fees?

As we continue to review and report on the State Training Fee, there still seems to be some confusion on what is exempt from the fee.

Let us first try to define the word exempt as it is used in the enabling legislation. Many activities such as permits for promoting accessibility in existing structures (52:27D-126e), nonprofit corporations doing rehabilitation, or new housing may be exempt from local fees, if the municipality passes an ordinance (52:27D-126d). The operative words in these sections are "local ordinance" and "local fees." These areas may also exempt surcharges.

Secondly, what about exemptions under ordinances, such as exemptions for churches, or for volunteer organizations, or other nonprofit groups? These exemptions are by ordinance so are these permits fee exempt?

Yes, all of the above are local fee exempt, but in only one situation are permits exempt from the State Training Fee. Any public buildings that are erected or altered are exempt from the State Training Fee (52:27D-126c), and it is important to note that the statute uses the exact term, "training fee." Any and all other exemptions mentioned either in the statute or in the local ordinance may be exempt from local fees, but you must collect a State Training Fee and submit it to the State on a quarterly basis.

Remember to apply these definitions when you are calculating fees; it will make your report and collection more accurate. We still may ask you to justify your report if it does not fall within a reasonable variation volume and alteration dollars reported and fees transmitted. If you have any questions regarding exemptions, feel free to call the Bureau of Code Services at 609/530-8857.

Source: Richard Z. Osworth
Chief, Bureau of Code Services

Verifying Estimated Costs

What is the most appropriate method for code officials to use to verify an applicant's estimated cost of a project? This verification becomes important when verifying the percent of alteration and in calculating the State Training Fee for alteration work. *N.J.A.C.* 5:23-4.20(c)2.i(2) (Departmental Fees) requires the applicant to submit such cost data as may be available produced by an architect or engineer of record, or by a recognized estimating firm or by the contractor. A bona fide contractor's bid, if available, shall be submitted. Of all the above sources used for verification, the contractor's bid is the most controversial. As the construction files are public information and subject to review, contractors are reluctant to divulge their bids and pricing methods to potential competitors. An easy solution for both problems is merely to verify the estimated cost as submitted on the bid and application and to return the bid to the contractor, thus providing assurance that the specifics of the bid will not become public information.

Source: Gerald E. Grayce
Bureau of Regulatory Affairs

Requirements above and beyond the Code

It has been brought to the attention of the Department that confusion exists with respect to the application of *N.J.A.C.* 5:23-2.2(c) by construction and subcode officials. The regulation states, "Any requirement for structural, fire or sanitary safety of a building or structure, or essential for the safety of the occupants thereof and which is not specifically covered by the regulations, shall be determined by the construction official and appropriate subcode official." Instances have occurred where this regulation has been misapplied by code officials in an attempt to obtain what they wanted rather than what was intended by the regulations.

This section of the regulations should only be utilized when a situation occurs which is not addressed in any matter by the various subcodes which comprise the Uniform Construction Code.

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It should not be utilized to prohibit a procedure or installation which is not prohibited by the model codes. If a construction official, subcode official, or licensed inspector has an objection to a particular procedure or installation, he/she must be able to reference a particular model code section to justify the objection. Otherwise, what was intended to be a uniform construction code becomes a code personalized to each official's particular concerns with no real opportunity for consensus on what is and what is not a violation of the code. If an official believes that a matter comes under the requirements of *N.J.A.C.* 5:23-2.2(c), he/she should not only provide for the necessary requirements for a safe installation, but should also work to have the situation addressed by the code. This will help to eliminate the exercise of discretion on the part of the code official which causes much confusion, delay, and expense in the construction industry.

Source: Robert Hilzer
Bureau of Regulatory Affairs

Park Models — Update

I would like to update you on two areas regarding the siting of "Park Models" in New Jersey: first, the label; and second, clarifying what a park model is.

The use of two labels is still allowed based on Bulletin 93-6, Recreational Vehicle Industry Association (RVIA) or Recreation Park Trailer Industry Association (RPTIA), even though the Bulletin mentions an October 1994 date as approved by settlement agreements with different manufacturers. This part of the settlement agreements has been extended indefinitely since the revision to the ANSI 119.5 Park Model standard is not complete.

Some new types of recreational buildings have been proposed or constructed. Loosely, some individuals refer to them as Park Models. Park Models are a specific type of trailer and are constructed to a specific standard, including a label. The term should not be used when mentioning a modular unit being transported to a site without a label. The square footage, height, type of construction, and other code issues for closed panel construction of modular units fall under the rules and regulations within Subchapter 4A and the Industrialized Buildings Commission. Cabins are not Park Models and should not be treated as such under the regulations, nor are they necessarily modular buildings if closed-panel-construction is not involved in the process of erecting the cabin on the site. Make sure you review the definitions of these different types of construction with the owner to assure yourself that the building being sited has an appropriate label or that it does not need a label at all and is subject to your on-site inspection.

Source: Richard Z. Osworth
Chief, Bureau of Code Services

Demolition Permits

I recently fielded a complaint in which the aggrieved party alleged that the construction official in his municipality did not assure that adjacent property owners were notified about a demolition permit being issued. Upon further investigation, I determined that the demolition in question was nothing more than the removal of an underground storage tank.

I promptly called the complainant and informed him the Construction Official used common sense and good judgment in not requiring the applicant to notify adjoining property owners. Well, an argument commenced whereby a second opinion was sought by the complainant. I will not go into the details of what happened next; however, I will say that the complainant went away unhappy and the Construction Official was vindicated.

N.J.A.C. 5:23-2.17, entitled Demolition or Removal of Structures, and the procedures which follow, were intended to apply to the total removal of a structure. In many instances, demolition permits are issued without the need to submit proof of utility disconnects and notification of adjoining property owners. Another example of this is the renovation of an existing structure, for which the code official issues a "demolition only" permit because there are some unresolved code issues. There is no need to disconnect the utilities to proceed with the demolition work, and therefore no need to notify adjoining property owners.

The purpose of notifying property owners is that disconnecting the utilities may temporarily affect them. If there will be no interruption of services, there is no need for notification as in the example above and the tank removal mentioned earlier.

Remember, many of the sections of the Uniform Construction Code were written for a certain set of circumstances. When the circumstances differ, it is up to the code official to apply what is appropriate and reasonable. We are paid to make decisions based upon our knowledge and experience, not to blindly enforce regulations which clearly do not address the situation at hand.

Source: Louis Mraw
Supervisor of Investigations
Bureau of Regulatory Affairs

Afloat in Pool Permits

Since the major changes to the enclosure section of swimming pool regulations in 1993, many people have called us with questions. And we have a few answers.

One of the most difficult issues concerned the door alarms required at the entry to the pool area from a house. The instantaneously activated alarm required in 1993 was not on the market, thus making compliance impossible. As explained in our previous *Communicator* issue by William Hartz, BOCA has achieved a compromise solution as a code change, allowing alarms with a seven-second delay. Therefore, pending a New Jersey adoption of that change, accepting the device with the seven-second delay is recommended.

Pool gate swinging direction (section 421.10.1 condition #8) is required as "outwards away from the pool." It appears that chain link fence gates traditionally are manufactured free swinging in both directions. Is that acceptable in view of the fact that BOCA doesn't say "only" outwards? A look at code commentaries and a BOCA

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reply to a letter of inquiry yield a firm NO. The intention is that the pool access gate must operate outward away from the pool only. This causes a desirable delay (going opposite to the access travel direction), and sometimes an inward push (toward the pool) made in vain actually completes a latching action that might have failed. Also, having to work a very high, hard-to-reach latch is expected to be an additional entry deterrent to an unsupervised child.

In closing, a few words about location on the lot, section 421.4. In a nutshell, it affirms that the local zoning ordinance has primary jurisdiction over the issue of pool location. It is only when an ordinance has no such restrictions that the BOCA pool setback dimensions apply.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

Radon Fan Access

Recently we were asked by a radon mitigator if we really meant that a walkway to the fan is required for mitigation work. The inquirer reminded us that similar appliances such as attic exhaust fans do not normally require such measures.

The difficulty and expense of providing a walkway in an existing home does not seem warranted for radon exhaust fans. Motors for these fans are normally maintenance free and replaced rather than repaired. Therefore, even though Bulletin 93-4 mentions that walkways and lights should be provided, it is not required for radon exhaust fans with small horsepower motors that can easily be replaced.

Source: Michael Baier
Bureau of Technical Services

Construction Site GFCI Protection

Ground-fault circuit interrupter devices that are evaluated for use in a permanent installation will not operate when the neutral conductor is "opened" or lifted at the panel on the line-side of the device. Under such conditions, the device is no longer be capable of operating, but 120V-to-ground will still be available at the now-unprotected receptacle. Similarly, if the phase and neutral conductors are reversed on the supply-side of the GFCI-type breaker, under conditions of ground-fault at the receptacle, the breaker will operate, but will only open the neutral conductor leaving the phase-leg connected to the fault. Under both of these conditions which may exist at construction sites, if a faulted tool is connected to the now-unprotected receptacle, the person attempting to use that tool will be exposed to the same type of shock or electrocution hazard the GFCIs are intended to prevent.

The need for "open-neutral" and "reverse-phasing" protection in any GFCI according to UL standards is based on its intended use. If the device is intended for temporary power applications such as at construction sites, then both types of protection are needed under listing requirements. Cord and plug connected GFCI assemblies that are manufactured and intended for use in temporary power applications are provided with "open-neutral" as well as "reverse-phase" protection. Electrical inspectors may avoid potential hazards involved in the temporary power supply on the construction sites by requiring the use of those GFCI assemblies that are listed and intended for temporary power applications, unless the GFCI device is part of the permanent wiring meeting the requirements of section 305-6(a) of the NEC-93.

Source: Ashok K. Mehta
Bureau of Technical Services

Garage Doors to Adjacent Spaces

In a recent conversation with a builder it was brought to my attention that Section 407.0 of *The BOCA National Building Code/ 1993* is not being enforced consistently throughout the State.

Section 407.3 requires that a minimum of one (1) hour fire partition and floor/ceiling assembly be used to separate a private garage from interior residential spaces when the garage is located beneath habitable rooms. Section 407.4 requires that the interior spaces of attached garages side-by-side to rooms be separated by means of 1/2 inch gypsum board or equivalent to the garage side. Both of these conditions are required to have a door conforming to Section 407.6, 1 3/4 inch solid core wood or 1 3/4 inch solid or honeycomb core steel.

Nowhere in this section is the jamb of the specific type of door discussed. Nowhere in this section is the necessity for door closers discussed. The Code only prescriptively describes the door panel itself. There are no requirements for the door to be activated by a self-closing device nor are other ratings or special frames required.

Source: John N. Terry
Code Specialist, Code Assistance Unit
Bureau of Technical Services

New Snow Load Bulletin

In the next transmittal of bulletins you will find one called "Ground Snow Loads." It replaces Bulletin 81-9, and will make life a little easier when trying to find snow loads for your town using the BOCA map for the eastern United States, Figure 1610.3(1). The bulletin even goes into a little more detail in the northwest portion of New Jersey where the small-scale BOCA map is too crowded to show additional isolines.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

Subchapter 12 and Accident Reporting

To further enhance the safety of the riding public the Elevator Safety Unit of the State of New Jersey is in the process of collecting data on accidents related to elevator devices. The statistical analysis of such data will allow for identification of areas requiring improvement and will help to determine necessary safety

measures which need to be taken in order to minimize occurrences of accidents in the future.

Pursuant to the Uniform Construction Code the owners of the buildings are required to immediately notify the municipal construction official of every accident involving death or personal injury caused by the malfunction or misuse of elevator devices as well as to report accidents involving damage to the apparatus.

In support of such an effort, the Elevator Safety Unit is asking the Construction Officials to notify the unit about all accidents reported to them or those that they have otherwise become aware of, as soon as possible after such accidents are reported to the enforcing agency. In addition, we are asking to forward to the Elevator Safety Unit copies of all documents related to the enforcement process, starting from the last cyclical inspection performed on the device. These documents should include but not be limited to the Inspection Reports, List of Violations cited, Notices of Violations and Order to Terminate, Certificates, etc. In addition, when an accident inspection is performed, a copy of the Inspection Report should also be forwarded to the Department.

Source: Paulina Caploon
Elevator Safety Unit

Out-of-Service or Out-of-Service

What kind of a title is this? Elevators can only be either out of service or subject to routine and periodic inspection, right? Well, that was what we thought until we started to look a little closer at the issue.

Owners think one thing, the subcode official thinks another, and often the state data base thinks something else. The only out-of-service device that should be released from the routine and periodic inspection process are those taken out by the code through a permit. For such a device the power is removed (not shut off), the cables are removed, the cab is at the bottom of the hoistway, and the hoistway doors are sealed from the inside. This device can be put back in service by a permit and a full acceptance test.

Now what about a device that is out of service because a permit has been taken out to do minor work or alterations? The device according to the rules is not subject to routine and periodic inspections during a period of non-operation (*N.J.A.C.* 5:23-2.23j3). Often a permit is taken out which might require work to be done over a long period of time and involve multiple devices. If this is the case, then the routine and periodic inspections should be performed on equipment which is being phased into a much larger job. The devices are not out of service, but are continuously used to assure service to the building occupants. The inspector should be flexible when they go for a routine inspection in a building where devices are under a permit, and assure that safety is being maintained and that devices which are used to assure service are properly inspected, while the work is ongoing. The Certificate of Approval is issued to close the permit; however, the devices are most likely in use as the work is completed. These devices are then inspected under the permit and given an approval by the inspector. A Certificate of Compliance would be issued on the next cycle for the device as part of the routine and periodic inspection process.

A device is not working when, as the routine inspection is performed, the owner says, "it's out of service." The device must be inspected, you may give the owner a set period of time to get the device operational, or the owner may choose to take the device out of service by code. Remember to have the Construction Official approve such an action as the device might have been a condition of the original Certificate of Occupancy and can not be taken out of service, but repaired and made safe as per the code of installation.

The State Elevator Data Base does maintain an "out-of-service by code" classification and will report those devices to the individual enforcing authority. We do not place a device in this category based on a representation by the owner, but only accept this status from the subcode official or construction official, and it must be in writing.

Remember, what's out-of-service to one person may not really be out-of-service to another, especially the code official.

Source: Richard Z. Osworth
Chief, Bureau of Code Services

Standard Forms

It is time for the Department to review the format and content of the UCC Standard Forms. The Department welcomes all comments and suggestions during this process. Please remember that the information on the form must be able to fit on a single page. If you add information or items to the form, it probably mean something will have to be deleted.

Only written comments will be considered. Send them to:

Department of Community Affairs
Bureau of Technical Services
CN 816
Trenton, New Jersey 08625
ATTN: Standard Forms Project

Letter to the Editor:

CONSTRUCTION OFFICIALS

Do you want to be an expert your field?

Do you want to be an asset to your community and your Profession?

Do you want respect for what you know?

Do you want the respect of your peers?

Do you want to retain the status as the Best Code Officials in the World?

Do you want the best one week educational course in Code Enforcement?

Do you want to be the best that you can be?

Do you want to have a say in the Code that you enforce?

(Continued on page 6)

(Continued from page 5)

Do you think you know what good Code Enforcement is?

Do you want to participate in the Code Change process?

Do you think that Code Officials from New Jersey know what is best for Code Development in New Jersey?

If you answer YES to these questions, then YOU need to take the next step and budget for and schedule for the next BOCA Code Change Hearing.

The Construction Officials and Fire Subcode Officials working in New Jersey make up the largest state membership in the BOCA world.

At the last BOCA Conference approximately 1,000 BOCA members voted on the proposed Code Changes; only 40 BOCA Members were from New Jersey.

ANY CONSTRUCTION OFFICIAL who wants information on the BOCA Conference or needs help in getting approval to attend should call Ronald Estepp, Construction Official, Hillsborough Township, at 908/369-4313 ext. 81.

Source: Ronald E. Estepp
Construction Official

New Jersey Register Adoptions Spring 1995

Date	Adoption
1/17/95	27 NJR 321(a) Notice of Administrative Correction Test and Inspection Fees: *N.J.A.C.* 5:23-12.6.
3/6/95	27 NJR 894(a) Abandonment of Septic Systems Adopted Amendment: *N.J.A.C.* 5:23-3.15, effective 3/6/95, operative 7/1/95.
	27 NJR 894(b) Mechanical Subcode Adopted Amendment: *N.J.A.C.* 5:23-3.20, effective 3/6/95, operative 7/1/95.
	27 NJR 894(c) Interpretations Adopted Repeal: *N.J.A.C.* 5:23-9.4, effective 3/6/95, operative 7/1/95.

NOTE: *At the time of printing this newsletter, the March 20, 1995* New Jersey Register *has not yet been published. Please check this edition for UCC adoptions.*

Source: E. Maria Roth
Code Specialist, Code Assistance Unit
Bureau of Technical Services

2nd Annual Product Expo

Once again the Building Safety Conference will begin with the Product Expo. The Expo will be on May 3, 1995 from 2:00 to 6:00 PM in the Grand Ballroom. Vendors of new and innovative products will be available to explain how their products perform. The Product Expo is not an endorsement by DCA, but only a means to help the inspector make an informed decision. The following is a list of vendors and the products they will display.

VENDOR	PRODUCTS
1. Municipal Information Systems	Computer Software and Hardware for Enforcement Offices
2. Southern Pine Council	Information on Southern
3. 3M	Fire Protection Products
4. Vanguard Plastics	Polybutylene, hydronic radiant floor, geo-thermal water service
5. Simpson Strong Tie	Engineered Wood Connectors, SST Epoxy-Tie
6. Primary Sales	Trianco Heatmaker, Powervent valves
7. Flex-L	Flexible Aluminum Gas Relining Kit
8. Crouse-Hinds	Electrical Equipment for Hazardous Areas
9. BARCO Systems	Petrofill Tank Abandonment
10. Bussman/Cooper Ind.	Fuses/Overcurrent Protection
11. Glezen Associates	Exit devices, Access and Egress Control
12. Hickson Corporation	Fire Retardant Treated Wood
13. Kant Sag Connectors	Lumber Connectors
14. The Celotex Corporation	Building Insulation
15. U.S. Gypsum Company	Firecode Compound, Fire Wall System
16. ConVault Mid Atlantic	Above Ground Fuel Storage Systems
17. Specificied Technologies	Sealants, Mortar, Construction Collars
18. N.S.P.C.	Plumbing Code Materials
19. Georgia Pacific Corporation	Engineered Lumber Products
20. Benjamin Obdyke	Roll Vent Attic Ventilation System
21. National Gypsum Company	Area Separation Wall,1-800 Tech Services
22. BOCA International	BOCA Codes and Commentaries
23. International Masonry Institute	Masonry Materials
24. National Waterproofing	Exterior Foundation Waterproofing System
25. P.S.E. & G.	Gas Safety and CO Detectors
26. Inchcape Testing Services (ETL)	Safety Testing, Certification and Labeling of Electrical and Mechanical Products
27. Altherm	Fuel Gas Piping Systems
28. EPVA	ADA and Building Code Compliance
29. Barrier Technology	Fire Rated Sheathing
30. Underwriters Laboratories	Safety Certification Services
31. The Bilco Company	P.E. Basement Door
32. BBB Plastic Lumber	Plastic Lumber
33. N.J. Propane Association	Propane Gas Information
34. Solutions Now Software	Software for Code Enforcement

Building Safety Conference
May 3 – 5, 1995

Schedule of Events

May 3, 1995

2:00 PM - 7:00 PM	**Registration** - Convention Headquarters
2:00 PM - 6:00 PM	**Product Expo** - Grand Ballroom
6:00 PM - 7:30 PM	**Crackerbarrel** - Grand Ballroom

May 4, 1995

6:30 AM - 7:45 AM	**Breakfast** - Sultan's Feast
7:00 AM - 9:00 AM	**Registration** - Convention Headquarters
8:00 AM - 11:45 AM	**Educational Programs**
12:00 PM - 2:00 PM	**Inspector of the Year Luncheon** - Grand Ballroom
2:00 PM - 4:30 PM	**Educational Programs**
4:30 PM - 5:30 PM	**Association Meetings** (if scheduled)

May 5, 1995

6:30 AM - 7:45 AM	**Breakfast** - Sultan's Feast (or you may use your ticket for Sultan's Feast Lunch)
8:00 AM - 1:00 PM	**Educational Programs**

Spouse's Program

May 3, 1995

2:00 PM - 7:00 PM	**Registration**
6:00 PM - 7:30 PM	**Get Acquainted Gathering**

May 4, 1995

7:00 AM - 9:00 AM	**Breakfast** - Sultan's Feast with ticket
7:00 AM - 9:00 AM	**Registration**
9:00 AM - 3:30 PM	**Gourmet Luncheon and Renault Winery Tour**
12:00 PM - 2:00 PM	**Inspector of the Year Luncheon**

May 5, 1995

7:00 AM - 9:00 AM	**Breakfast** - Sultan's Feast with ticket
9:30 AM - 11:30 AM	**Personal Finance** - Silver Room

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

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State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

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Building Safety Conference — 1995



The Inspectors of the Year with Commissioner Derman at the 14th Annual Building Safety Conference of New Jersey. From the left are: Robert Downey — Electrical, James Castle — Elevator, Renato Campomizzi, Jr. — Plumbing, Commissioner Harriet Derman, Joseph Montemarano — Building, and Stanley J. Sickels — Fire Protection.

Congratulations to these fine inspectors!

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Bureau of Technical Services • CN 816 • Trenton, New Jersey 08625-0816

ISO to Develop System to Grade Building Code Enforcement

Press Release

Insurance Services Office, Inc. (ISO) is developing a system that will grade the effectiveness of communities' building code enforcement to make insurance pricing more accurate and encourage safer homes and commercial buildings.

The Building Code Effectiveness Grading Schedule is a response by the insurance industry to 1992's Hurricane Andrew, which caused a record $15.5 billion in insured losses. Industry experts determined that at least one-fourth of those losses were because of construction that failed to meet Dade County, Florida's code.

The basic premise of the code-grading system is that municipalities with effective codes that are well enforced should demonstrate better loss experience and should, therefore, receive favorable underwriting recognition.

The prospect of lessening catastrophe-related damage and ultimately lowering insurance costs will provide financial encouragement for citizens to press their local governments to enforce codes more rigorously.

Through its subsidiary, Commercial Risk Services, ISO already provides similar grading of municipal fire protection and flood-mitigation efforts. Many insurers reflect the grades in their insurance rates for individual properties.

ISO expects to phase in the grading program state-by-state beginning in 1995 and to grade every municipality in the country by decade's end. After that, each locality would be regraded every five years.

ISO initially will target states that have suffered catastrophes or that are prone to natural hazards.

This project demonstrates ISO's commitment to significantly reduce the economic consequences of natural disaster. The system may also help reduce human suffering and save lives by encouraging communities to adopt proper codes and to strictly enforce them.

The grading concept has received widespread support from code officials, government representatives, community officials, and the insurance industry.

Adequate testing is essential to the successful development of this service. ISO has completed a 150-municipality pilot test in four states: Florida, North Carolina, South Carolina, and Georgia.

The Building Code Grading Effectiveness System will parallel the design of ISO's Fire Suppression Rating schedule and the Flood Community Rating System, which use a relative rating scale of one to ten, with one representing the best protection and ten indicating no recognized protection.

In developing the new code grading system, ISO has worked closely with the Insurance Institute for Property Loss Reduction and a number of other interested groups, including insurers, local and state government officials, model building code officials and scholars.

The Building Code Effectiveness Grading Schedule measures resources and support available to building code enforcement efforts. The grading program examines how well those resources are applied to mitigating common natural hazards — particularly hurricanes and earthquakes.

The grading process includes interviews with municipal officials, examination of supporting documents, a careful look at training requirements and work schedules, staffing levels, and certification of officials who enforce building codes.

The schedule assesses each municipality's support for code enforcement, plan-review functions, and field inspection quality.

ISO's Evaluation of New Jersey's Code Enforcement Offices

New Jersey's municipalities should do well on ISO's Building Code Effectiveness Grading Schedule. The Uniform Construction Code addresses most of the issues that are rated in the evaluation. The Department has met with representatives of the insurance industry and agrees this national effort will be beneficial to code enforcement.

In New Jersey the evaluation process will begin in early 1996. During the year ISO will distribute questionnaires to all 567 municipalities. This will be followed up by a visit to each municipality by an insurance industry representative. After the evaluation each municipality will receive a rating from 1 (high) to 10 (low). This rating will be valid until your municipality is regraded in 5 years.

Each municipality should take this evaluation seriously. Although we know we have the best code enforcement system in the nation, it will be beneficial for each municipality to evaluate their code enforcement office for areas that may be improved.

Source: William Hartz
Chief, Bureau of Technical Services

Chimney Certification

In February, the Department proposed a new standard form entitled "Chimney Certification for Replacement of Fuel Fired Equipment." This form has been approved and will appear as an adoption in the June 5, 1995 *New Jersey Register* with an operative date of October 1, 1995.

In the next few weeks the Department will mail a letter of explanation and a copy of the form to all code enforcement offices. The form will allow the contractor installing the replacement equipment to certify that the chimney/vent is properly sized, lined, and cleaned.

Two other options are available. The contractor may refuse to sign the certification and agree to be present during the inspection to remove and reinstall the chimney/vent connector. In addition, the construction official may refuse to accept a certification

from a contractor if they feel the certification is not accurate.

Remember, this is a certification of the chimney only. All inspections on the newly installed equipment must be performed by the appropriate inspectors.

If, after you receive the form and explanation you have questions concerning the use of the form, please contact the Code Assistance Unit at 609-530-8793.

Source: William Hartz
Chief, Bureau of Technical Services

Underground Facility Protection Act

Public Law 1994, Chapter 118, known as the "Underground Facility Protection Act," was approved October 18, 1994.

This Act mandates the notification of the New Jersey One-Call by any person performing excavation, drilling, boring, or demolition in which material in the ground is moved.

The excavator must allow utilities (3) three business days to mark out their facilities and must start work within (10) ten business days of notifying the One-Call Center.

Permits for excavation or demolition shall not be issued until the excavator supplies a request number to the code enforcement office as proof that the New Jersey One-Call has been notified.

The excavator must immediately notify the utility of any damage to an underground facility caused by or discovered by the excavator. The New Jersey One-Call toll free number is 1-800-272-1000.

Source: Garden State Underground
Plant Location Service

New Barrier Free Subcode Is Here

The revised Barrier Free Subcode (BFSC) is finally here! On July 5, 1994, the proposal to amend the BFSC was published in the *New Jersey Register*. Five comments were received, a public hearing was held, and the adoption was published in the *New Jersey Register* on March 20, 1995. It will be effective July 1, 1995. What does this really mean?

The changes to the BFSC are mainly changes of format rather than of substance. The adoption deletes all of *N.J.A.C.* 5:23-7.1-7.99, the entire building portion of the BFSC. (The recreation section has been renumbered, but stays the same, at least for now.) The familiar Subchapter 7 has been replaced by Chapter 11 of the 1993 BOCA Building Code; the familiar graphics have been replaced by a reference to CABO/ANSI A117.1, the technical standard for accessible design. When you see the adoption, you will notice that there are some changes to BOCA/Chapter 11. Those changes have been made to be sure that there is agreement between our law in New Jersey and the Federal laws that require accessibility, the Americans With Disabilities Act (ADA), and the Federal Fair Housing Amendments Act (FFHAA).

You will notice a lot of changes to the residential section of Chapter 11. This is because BOCA had not revised Chapter 11 to meet the requirements of the FFHAA. To make this section easier to understand, we have deleted that portion of Chapter 11 and replaced it with our own clear, direct requirements. Actually, the residential section is very much like the old BFSC. The old section *N.J.A.C.* 5:23-7.68, that gave directions for when an elevator is needed, has been kept. Also, the general scoping requirement that adaptable units be provided in multi-family dwellings with 4 or more units has been kept, and the exemption for multi-story townhouse units with an independent entrance at grade has been kept.

What changes? Well, first and foremost, the format. The BFSC looks a lot different. But, the old BFSC was based on the ANSI A117.1 standard and this revision adopts the ANSI A117.1 standard (now published by CABO, so it's called CABO/ANSI A117.1), so technically not much has changed. The major technical change is that water closets will now be measured 17" - 19" to the top of the seat, thereby resolving the single most time-consuming and stubborn dimensional conflict between the old Barrier Free and the ADA.

Aside from the height of the water closets, the most frequent question I've been asked is: When will New Jersey adopt the ADA? When will we enforce the ADA? The answer to these questions stays the same: We will not adopt the ADA; we will not enforce the ADA. But, with this BOCA — CABO/ANSI — BF adoption, New Jersey's code officials will be able to enforce a code that matches Federal law in scope and in dimensions. This will make enforcement easier for all of us!

Beginning this fall, Jeffrey Applegate and I will teach a new course in the new BFSC. We look forward to seeing you there.

Source: Emily Templeton
Code Development Unit

Lead Abatement: The Next Step

On March 20, 1995 the Department proposed regulations to license contractors to evaluate and abate lead hazards (*N.J.A.C.* 5:17). These regulations are based on State law (P.L. 1993 c.288) and federal law (Title X of the Housing and Community Development Act of 1992).

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As you may know, lead-based paint was used extensively as the "paint of choice" because of its durability. The older a structure is, the more likely that it contains some lead-based paint. Unfortunately, exposure to lead in paint has very harmful effects, particularly for young children. As public awareness of this hazard rises, the State legislation seeks to protect the consumers of lead testing and abatement services from unscrupulous contractors.

Apart from requiring that contractors be licensed by the Department, the regulations outline basic evaluation and testing methods and describe proper work practices for the most used abatement strategies: removal, enclosure, and encapsulation. Removal involves the replacement of lead-painted components, such as doors and windows, with new components. Enclosure includes the covering of lead-painted components with rigid materials that are mechanically fastened (e.g., quarter-inch sheetrock applied over walls covered with lead-based paint). Encapsulation involves the covering of lead-based paint with a product designed to protect the occupants from lead exposure. Many encapsulation products are painted on.

The regulations are based mostly on draft guidelines from the U.S. Department of Housing and Urban Development (HUD). Because HUD has revised its draft guidelines, the Department's proposal of March 20, 1995, to be adopted in July, will be revised to be in accord with the newest HUD guidelines. Because there are new developments in the lead area, the Department expects that further revisions, to accommodate new methods and materials, may occur in the future.

For purposes of determining whether a job is to be considered "lead abatement," intent matters. If a contractor is replacing windows to weatherize a house, this is not considered lead abatement, regardless of whether the windows might be painted with lead-based paint. However, if the purpose of the window replacement is to eliminate a lead hazard, then the contractor must be certified pursuant to these regulations. (All contractors who advertise themselves as competent to identify or to abate lead hazards or who otherwise hold themselves out to potential clients as competent to perform these services will be subject to the contractor certification regulations.)

The Department will provide construction officials with public information handouts which are to be given to permit applicants doing renovation work in residential structures built before 1978 (the year that the Consumer Product Safety Commission banned lead-based paint for residential use). These handouts caution homeowners about the possibility of exposing family members to dangerous levels of lead during renovation. The Department will also send construction officials informational handouts for homeowners performing their own lead abatement. (Owner/occupants are exempt from the requirement to have a licensed abatement contractor perform this work.)

This new regulatory program includes an adminsitrative role for construction officials. Starting in January 1996, permits will be required for lead abatement work. The construction official will receive documentation from the applicant, including the scope of work and the DCA certification number of the lead abatement contractor performing the work. The local enforcing agency should verify that there are adequate means of egress if the building is to remain occupied during abatement, that replacement materials being used meet the requirements of the UCC, etc. The construction official is not required to assign inspectors to monitor the performance of lead-hazard abatement work. The regulations governing the performance of lead abatement work are not part of the UCC, but are being adopted as a new chapter (5:17). The Department will employ inspectors to spot check abatement sites and to respond to complaints. Anything of concern regarding the performance of a lead abatement job should be brought to the attention of the Department.

Similar to asbestos work, when abatement is complete, a licensed evaluation contractor will submit test results showing that a clearance level was attained. The construction official, based on these test results, will issue a lead abatement clearance certificate. Documents about the scope and completion of abatement will be kept in the building's file for future reference. A fee will be paid to the construction office for this service.

The State Departments of Health and Labor will also be involved in this area. The Department of Health (DOH) is certifying training providers to train workers, supervisors, and inspector/risk assessors who will work for the firms DCA certifies. Additionally, DOH and local health officers will continue to order testing and abatement where lead-poisoned children are identified. The Department of Labor will be in charge of inspecting and fining contractors doing work on steel structures such as bridges, tanks, and large steel commercial and industrial facilities.

Check your updates for new regulations at *N.J.A.C.* 5:23-2. In addition, the Department, through the Education Unit, is planning continuing education courses for construction officials on lead abatement.

When they are completed, handouts and revised standard forms will be sent to each construction official so that this program can be properly administered. After July, if you have specific questions, you should contact the Department at 609/530-8812.

Source: Chrys Wyluda
Asbestos Unit

Spring Showers

Well, it's summer, and I hope all those spring shower calls I've been getting will finally begin to dry up. It seems the latest trend in plumbing inspection is to verify shower temperature with a thermometer. That in itself isn't bad.

The code clearly calls for thermostatic and pressure balancing shower valves to be equipped with limit stops that ensure that the maximum temperature of shower water is 120°F. So, if you don't feel comfortable judging temperature by feel, you can justify packing a thermometer with your flashlight and inspection pad.

If you're going to join the trend or if you're one of those who started the trend, you need to decide what to do when the thermometer reads less than 120°F. In other words, how low can the shower

water temperature be and still pass inspection? Some people have claimed that the temperature has to be 120°F exactly. Section 10.15.1 requires that hot water be supplied to all fixtures in residences that are used for bathing, and we know that hot water is defined as 120°F to 140°F. So, it would seem that you can't comply with both 10.15.1 and 10.15.6 unless the water is 120°F. No less, no more.

Requiring water to be 120°F exactly isn't practical, and if you read the code carefully, it isn't required. Section 10.15.1 requires that hot water be SUPPLIED to the fixture. Technically, the water IS supplied to the shower valve, but the valve, by setting the stop at 120°F will not let you get hot water out of it. So technically, there is no minimum temperature at the shower discharge, as long as the hot water to the shower valve is 120° or more. This can be verified by checking the temperature of the water at an adjacent lavatory.

It does not seem reasonable to have the water discharge at a temperature that is not conducive to showering. If the shower discharges at 80°F maximum, the owner will surely make some adjustment to get hotter water. In this case, you've just wasted your time checking. The most reasonable range I've heard of for acceptable shower temperature is from 105°F to 120°F.

Source: Michael Baier
Code Assistance Unit

New Lighting Efficiency Standard for Commercial Buildings

In order to comply with federal law, specifically the Energy Policy Act of 1992, New Jersey has recently amended *N.J.A.C.* 5:23-3.18, titled "Energy Subcode." This amendment incorporates, by reference, energy efficiency requirements for commercial and multi-family high-rise buildings that meet, but do not exceed, federal requirements. Accordingly, from July 1, 1995, ASHRAE/IESNA 90.1 (1989) shall be the standard for the energy efficiency requirements of newly constructed commercial buildings in New Jersey. Buildings of Use Groups R-3, R-4, and R-2 which are 3 stories or less shall continue to be subject to Standard LEM-1 (1982).

Standard 90.1 is intended to promote efficient lighting design by requiring and, in some cases, by encouraging the use of advanced lighting control. This standard is more restrictive than Standard LEM-1 for buildings like offices, hospitals, and retail spaces which represent a large portion of new construction and unlike Standard LEM-1 requires some means of control for all lighting except for emergency and exit lights. The project complies if the total connected lighting power (CLP) of the installed system does not exceed the interior lighting power allowance (ILPA) of the building. When qualifying lighting controls are used the connected lighting power (CLP) may be reduced by the lighting power control credits (LPCC) to account for the energy saved because of these controls. The final figure represents the adjusted lighting power (ALP) for the buildings equipped with qualifying controls.

Standard 90.1 has two approaches to calculate the interior lighting power allowance (ILPA) of a building. Out of these two, the prescriptive method is easy to use and is intended for use with speculative buildings or during the early design stages. This method is more stringent (allows less lighting power) but not sensitive to specific space functions or room configurations. The other method, known as the system performance method, takes into account the space functions and room geometrics of the proposed design. This method provides greater flexibility and is a more accurate and detailed calculation procedure. It is recommended for most projects. If the building type or space activity is not applicable to those mentioned in the prescriptive method, then the system performance method is recommended. In no case should the prescriptive method be the only path available to the designer.

To ensure compliance with the new Standard 90.1, the electrical inspector should review all the worksheets submitted for compliance and be satisfied that the proposed allowance, total connected lighting power, and adjustments are reasonable and the value of CLP/ALP does not exceed ILPA of the project.

Source: Ashok K. Mehta
Bureau of Technical Services

Public Relations

Recently, someone requested a seminar on public relations and the construction official. I want to share with you some of the public relations that are currently happening throughout our state.

The Sussex and Warren Code Enforcement Officials have produced and aired on public access television the first of a video series titled "You and the Codes". The purpose of these programs is to create a greater sense of public awareness as far as the purpose and responsibilities for securing construction permits, inspections and final approvals. As we all know, the enforcement of construction codes affects everyone in our communities, both residential and commercial. These programs are of vital public interest.

This project was financed through the organization with donations from sponsors. At the end of each program the list of contributing sponsors is shown in the credits and seen by thousands of local viewers. They are planning to produce additional programs and are looking for continued support.

We are very proud of the Association for its undertaking. We encourage those who are interested in further information to contact Al Ivany (201/383-1817), Harry Salotti (201/347-2502), or Keith Utter (201/383-3522).

Each of us must be responsible for our own public relations, whether it be at our counters in our office, or on the street in our communities. The image you project can be your best asset.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

14th Annual Building Safety Conference

Inspectors of the Year 1995

The Best of the Best

Plumbing



Renato Campomizzi, Jr. *(left)*, Plumbing Inspector of the Year, and Jerome Shaw, President of the New Jersey State Plumbing Inspectors Association.

Building



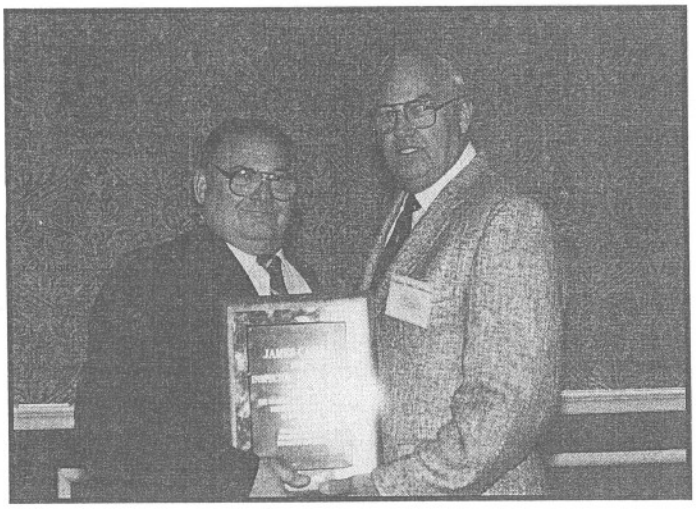
Joseph Montemarano *(left)*, Building Inspector of the Year, and Victor Dai, President of the Building Officials Association of New Jersey.

Electrical



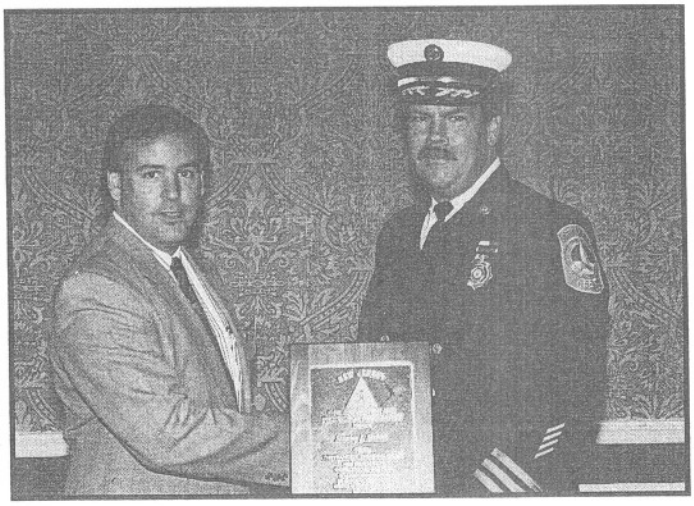
Robert Downey *(left)*, Electrical Inspector of the Year, and Victor Timpanaro, President of the Municipal ELectrical Inspectors Association of New Jersey.

Elevator



Frank Marinello *(left)*, Vice President of the Municipal Elevator Safety Inspector Association, and James Castle, Elevator Inspector of the Year.

Fire Protection



Gary Lewis *(left)*, President of the New Jersey State Fire Prevention and Protection Association, and Stanley J. Sickels, Fire Protection Inspector of the Year.

Zoning Approvals for Groundwater Remediation Equipment

In the past, we wrote an article about groundwater remediation equipment. This equipment is most often installed on a system to clear up groundwater contamination that has resulted from a leaking underground storage tank. The gist of that article was that the remediation equipment was exempt from our permitting process because it is like process equipment. Water connections, electrical connections, and accessory shed structures, however, do require permits under the UCC.

We were recently contacted by a firm that performs groundwater remediation, requested that we write an article about a relatively new law that discusses zoning approval for this type of equipment. It seems that many construction officials require groundwater remediation contractors to appear before either the zoning or planning board prior to issuance of the UCC permits. *N.J.S.A.* 40:55D-66.8 and *N.J.S.A.* 40:55D-66.9 have amended the Municipal Land Use Law to give specific instructions on how municipalities should treat groundwater remediation systems.

The amendments have stated in part that groundwater remediation equipment shall:

1. Be deemed essential to the continuation of an existing structure or use of a property, including a non-conforming use.
2. Be a permitted use in all zoning or use districts of a municipality.
3. Not require a use variance pursuant to *N.J.S.A.* 40:55D-70.
4. Be deemed to be an accessory use or structure to any structure or use authorized by the development regulations of a municipality.

The law does permit municipalities to enact rules with respect to siting of a structure or equipment on the property, but does not authorize a municipality to require site plan review. Municipalities can also impose time limits for the removal of equipment once the remediation has been completed. However, the intent of the law is to eliminate lengthy delays caused by zoning and planning board approvals when installing groundwater remediation systems. A copy of the law is available if you call the Code Assistance Unit at 609/530-8793.

Source: Michael Baier
Bureau of Technical Services

Asphalt or No Asphalt?

Debates have been raging for quite sometime whether or not asphalt can be used as flooring material in open parking structures and public garages. Those in favor present the following logic:

Many parking garage facilities have used bituminous asphalt surfaces in the past without any problems. Hardly any reported incidents can demonstrate that bituminous concrete or asphalt as floor surfaces contribute in the growth and spread of fire. Bituminous material is combustible but, compacted on the ground level, would not represent a significant fire hazard. Many code officials still allow this material.

Those who are against the use of asphalt have the following rationale to offer:

The code does not permit the use of combustible materials on the floor surfaces of open parking structures and public garages. A noncombustible material must meet or exceed the testing and acceptance criteria of ASTM E136 as specified in the BOCA National Building Code. Asphalt fails to meet these criteria. Besides being combustible, it is absorbent and may create a potential fire hazard through fuel and oil spills or leaks.

The fact is, asphalt is not permitted under the code as floor finish in open parking structures and public garages. In the past, for this specific application, two code change proposals (including one from DCA) could not get this material included into the BOCA code. For the sake of uniformity in this matter, code officials are advised to adhere to the provisions of *The BOCA National Building Code/1993.*

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit

Recent Changes to Federal Manufactured (Mobile) Home Construction and Safety Standards

Federal construction and safety standards for manufacture of Manufactured (Mobile) Homes have recently been amended to incorporate the latest industry standards. The various provisions which have been amended with their respective effective dates are listed below:

I. WIND STANDARDS
Effective July 13, 1994, the new wind design load criteria is based on the provisions contained in ANSI/ASCE 7-88 "Minimum design loads for buildings and other structures." ANSI/ASCE 7-88 is the standards referenced in our Building Subcode, also.

II. ELECTRICAL
Effective October 25, 1994, the Federal Standards now correspond to the provision of National Electrical Code, 1993.

III. ENERGY CONSERVATION STANDARDS
Effective October 25, 1994.

IV. VENTILATION AND INDOOR AIR QUALITY
Effective October 25, 1994

It may be noted that we have adopted these Standards in *N.J.A.C.* 5:23-3.19 as our Manufactured Home Subcode, thereby mandating that all additions and alterations to manufactured homes shall be done in accordance with this Subcode.

A copy of the Standards can be obtained from:

U.S. Department of Housing and Urban Development
Manufactured Housing and Construction Division
State and Consumer Liaison Branch
451 Seventh Street, S.W.
Attn: Mail Room B-133
Washington, D.C. 20410

Telephone: 202-755-7430
Contact Person: Ms. Pat McDuffie

Any questions regarding the above may be directed to Paul Sachdeva at 609/530-8837.

Source: Paul Sachdeva, Manager
Bureau of Code Services

Erosion Control Requirements and Permit Extension Act Coordination with Conservation Districts Essential

DCA Bulletin 91-2 describes the essential need for coordination with Soil Conservation Districts and for satisfying the requirement that prior approvals are met for soil erosion and sediment control on land development projects involving construction. Coordination between the code official and district staff s especially important when the project is nearing completion and in need of certificates of occupancy. The district report of compliance prior to issuance of the municipal Certificate of Occupancy is required by statute to assure that stormwater and drainage facilities are stable, vegetation is adequate, and the requirement for permanent measures to control soil erosion and sedimentation is satisfied.

The 1994 amendments to the Permit Extension Act also apply to the Soil Erosion and Sediment Control Act and extend conservation district certification of soil erosion and sediment control plans, where no changes have occurred, until December 1996. Where changes to the project have occurred a new or modified soil erosion and sediment control plan may be required by the soil conservation district.

Coordination between construction code officials and the Soil Conservation Districts can prevent water quality degradation.

Source: James Sadley
N.J. Department of Agriculture

Permit Extension Act: Permit Fee

Let me revisit the issue of the Permit Extension Act. In the Winter 1994 issue of the *Construction Code Communicator,* my brief article on this Act provided information on the extension of 'he Act until December 31, 1996.

Occasionally, however, we get phone calls on the fee to be charged when restoring the permits. Construction permits restored under the Permit Extension Act, for which fees have earlier been paid, are not subject to the same fees again. Also, the code enforcing agency should not charge the balance of the current enhanced fee for plan review, inspection, or training. There is absolutely no reinstatement fee for the permits restored.

If there is any confusion in this regard, please call the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, PE
Code Assistance Unit

Final Inspections — Code vs. Cosmetic

The Bureau has been receiving telephone calls from contractors and homeowners lately, asking whether an inspector may fail a final inspection or refuse to perform the inspection because of cosmetic work being done in the dwelling.

Work such as finish painting, a person cleaning, vacuuming etc., are not the type of activity that justifies a failure or refusal to inspect. We like to stress to callers that it is the code official's responsibility to inspect for code compliance only, not cosmetic items. We also explain that the code official should be providing a code citation for every violation and should provide an inspection sticker for each inspection.

Should you have any questions, call the Bureau at 609/530-8862.

Source: Gerald E. Grayce
Bureau of Regulatory Affairs

Backflow Preventer Testing Requirements

The Department has been making an effort to clarify the codes on backflow preventer testing requirements. The first step that we took was reducing the number of periodic inspections from four per year to one per year. The sheer number of devices coupled with four inspections per year made setting up a realistic testing schedule impossible.

The next step toward better enforcement is developing guidelines for testing programs. The Department through the Code Advisory Board and Plumbing Subcode Committee is developing a bulletin that will discuss these guidelines in detail. Currently the Code only requires that the owner has to arrange for his device to be tested once annually. This begs the question as to who performs the test or what steps the plumbing subcode official should take to ensure that tests are performed as required.

So the first fundamental issue that must be established is the qualifications of the person performing the test. Obviously, the test is only as good as the tester. While the National Standard Plumbing Code and DEP's safe drinking water regulations both require that the tester be certified, neither has given much guidance on which certifications are acceptable. We are aware that both New England Water Works and the American Society of Sanitary Engineers have developed certification programs for backflow preventer

testers. Obviously, these types of nationally recognized groups should be deemed acceptable. However, acceptable certifications should not be limited to only nationally recognized bodies. There are several local programs that have curricula similar to these larger programs. One that we have been made aware of is Plumbers and Pipefitters Local Union No. 9 which uses a curriculum that is essentially the same as the New England Water Works program.

The DEP is developing regulations that establish criteria for certifying agencies. In all likelihood, we will simply recognize those agencies meeting the DEP requirements.

The reliance on certified testers should greatly reduce the burden on local plumbing inspectors. There should be no need to have the inspector be present for the test. Rather, the role of the enforcing agency should be limited to accepting a test report submitted by the certified individual.

Source: Michael Baier
Code Assistance Unit

What Energy Code Are We Using?

1. ***Why the confusion?*** Nationally, every state was required to revamp their energy codes in response to the Energy Policy Act (EPACT). It required states to automatically upgrade their commercial energy codes to meet or exceed ASHRAE 90.1 and to examine their residential energy codes relative to the CABO Model Energy Code.
2. ***What has New Jersey done to comply with EPACT?*** On March 20, 1995, New Jersey adopted ASHRAE 90.1 for commercial buildings. New Jersey elected to keep using the BOCA Energy Code for residential buildings. However, the Federal Department of Energy has requested another evaluation of BOCA versus the CABO Model Energy Code. The ASHRAE 90.1 requirements become operative July 1.
3. ***What does the new ASHRAE standard mean to me, as a code official?*** ASHRAE has developed a comprehensive standard for energy conservation and has sacrificed simplicity for completeness. The bottom line is that it is an extremely complicated document. New Jersey is trying to aid code officials by placing the bulk of the responsibility for complying with ASHRAE on the design professional. The Department is developing simplified checklists for code officials.
4. ***Which buildings are "commercial buildings"?*** All buildings except residential buildings under four (4) stories are termed commercial buildings. A high rise residential building is a commercial building for the purposes of the Energy Policy Act.
5. ***Other changes under the proposal:*** The proposal also modifies the heating degree day value used to determine U values. Currently, the energy code requirements are based on 5500 HDD statewide. The proposal assigns HDD based on counties. This means that for certain counties residential requirements will also change. The attached table lists the new U values and the corresponding R value for batt insulation.

Effective July 1, 1995
New U Values for Single Family Detached Dwellings

County	U Walls	U Roofs	U Floors
Cape May, Salem, Camden, Cumberland, Gloucester, Atlantic (4000 HDD)	.21 (R11 insulation with 22% dbl. glass)	.05 (R19)	.08 (R13)
Burlington, Ocean, Monmouth, Mercer, Middlesex, Essex, Hudson, and Union	.195 (R11 insulation with 20% dbl. glass)	.0475 (R22)	.08 (R13)
Somerset, Warren, Hunterdon, Morris, Bergen, and Passaic	.185 (R11 insulation with 18% dbl. glass)	.045 (R22)	.08 (R13)
Sussex	.180 (R11 insulation) with 17% dbl. glass)	.0425 (R22)	.08 (R13)

Source: Michael Baier
Code Assistance Unit

Hazard Alert for Public Swimming Pools

The New Jersey Department of Health (DOH) has recently issued a Health Alert Bulletin which contains a warning to the employees and owners of public swimming pools concerning the potential electrocution hazards in the electrical system associated with pools. This was done as a follow-up of a fatality investigation.

In order to prevent similar fatal accidents, the DOH has recommended periodic inspection of the pool's electrical system, including the integrity of grounding and bonding by a licensed electrician each year before the pool opens for the season. The installation of GFCI protection on the pool circuit, wherever possible, has also been recommended.

We understand and share their concerns regarding this life-safety issue. Code officials are advised to be aware of the potential hazards involved in the electrical system operating over a long period of time in the humid and chlorine-laden atmosphere associated with pools. The Health Alert Bulletin may be given wide publicity. Copies of this Bulletin may be obtained by contacting Patrick Bost at 609/984-1863.

Source: Ashok K. Mehta
Code Assistance Unit
Bureau of Technical Services

More about Private Garages

Now that the can of worms has been opened regarding private garages, the phone inquiries have been pouring in.

The topic for this issue is the rating requirement as specified in Section 407.3. This section of the code requires a fire partition and floor/ceiling assembly rated of at least one (1) hour when the private garage is located beneath habitable rooms.

The question that arises from this requirement is: How is this rating accomplished? As with every other rating requirement in the code, Section 704.1.1 applies. This states that the assembly must be tested in accordance with ASTM E119. The design professional must include the appropriate testing laboratory number in the construction documents for this assembly.

Another point that needs to be made regarding this issue is stated in Section 715.1, which requires any structural member that supports a rated assembly to be rated at least that of the assembly it is supporting. Any columns, girders, or walls that are supporting the one (1) hour rated floor/ceiling must be rated one (1) hour.

Source: John N. Terry
Code Assistance Unit

Using UCCARS

Here are some tips that may help you to utilize UCCARS more effectively; these are based on some of the most-often asked support questions that users have been calling in with.

Control Numbers

Most System II users log permit applications into UCCARS using Control numbers prior to issuance of the permit. Since a Permit number has not yet been assigned, users typically assign a sequential number such as C001, C002, etc. to the application. While making it easier to track new permit applications through the plan review process, this creates a tracking problem of its own, requiring users to keep a manual log of what Control numbers were issued, and to whom they were issued. An easy solution to this problem is to use the block and lot number as the Control number. Thus for a new application brought in for block 342, lot 10, number the Control number "C342/10." Also don't forget that to get a list of all Control numbers that are outstanding, use Display Data and just type "C" in the permit number box. This will cause UCCARS to find all permits that start with the letter "C," which of course are all the current permit applications entered into UCCARS using Control numbers. In case you receive a second permit application for the same block/lot, this can be handled in either of two separate ways. If the first application has been approved and a permit has been issued for it and logged into UCCARS, the Control number that had been used (C342/10) automatically disappears from within UCCARS and can be re-used for the second application. If both applications exist simultaneously as unissued permits, simply number the second one "C342/10-2."

Inspections

It's approaching that time of year again when inspectors' licenses expire. So if you enter an inspection request and can't figure out why you get an error message when you try to store the request, chances are the inspector to whom you've assigned the inspection has just had a license renewal. To fix the problem you must enter the inspector's new license expiration date into UCCARS. This is done by selecting the 'Change Program Setup' option in the Main Menu (remember to use the highest level password for this operation). Then enter the inspector's initials and the new expiration date. You may also encounter an error screen when you are attempting to store an inspection result. This is also usually the result of an expired inspector's license, and is remedied in the same way. Just make sure that all the inspectors on the results have current license expiration dates in UCCARS.

Source: Stan Kosciuk
President, MIS

New Jersey Register Adoptions Summer 1995

Date	Adoption
3/20/95	27 NJR 1179(b) Subcodes Adopted Amendments: *N.J.A.C.* 5:23-3.4 and 3.18, effective 3/20/95, operative 7/1/95.
	27 NJR 1180(a) Barrier Free Subcode Adopted Amendments: *N.J.A.C.* 5:23-2.4, 2.6, and 3.14; Adopted New Rule: *N.J.A.C.* 5:23-7.1; Adopted Repeals: *N.J.A.C.* 5:23-7.1 through 7.99; Adopted Recodification with Amendments: *N.J.A.C.* 5:23-7.100 through 7.116 as *N.J.A.C.* 5:23-7.2 through 7.18, effective 3/20/95, operative 7/1/95.
6/5/95	27 NJR 2187(a) Enforcing Agencies Adopted Amendments: *N.J.A.C.* 5:23-2.20 and 4.5, effective 6/1/95, operative 10/1/95.

Source: E. Maria Roth
Code Specialist

Have a nice summer!

Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 7 Number 3

Fall 1995

Inspection, Certificates, and Fees

On September 5, 1995 regulations were adopted, with an operative date of January 1, 1996, that are important for code officials to understand. This article highlights the major changes, but code officials should review these regulations carefully.

1. *N.J.A.C.* 5:23-2.23(j) "Certificate of Approval: a certificate of approval shall be issued for all work that requires a construction permit but does not require a certificate of occupancy. No application shall be required for a certificate of approval."
2. *N.J.A.C.* 5.:23-4.18(f)3 "There shall be no fee charged for a certificate of approval issued pursuant to *N.J.A.C.* 5:23-2.23(j)." The Department considers the certificate of approval (C of A) as the closing part of the permit process. By making an application for the permit, the code enforcement office has all the necessary information to issue the C of A. A separate application is just additional paperwork. If there is a cost for printing or typing a C of A, it should be included in the cost of the permit.
3. *N.J.A.C.* 5:23-4.18(g)4 "For cross connections and backflow preventors that are subject to testing and require reinspection, the fee shall be a flat fee.

There are numerous changes to the Department's fee schedule. They are listed here for those municipalities that use on-site inspection agencies. Please note that fees for existing contracts will not change. These fees must be used as a basis for all new contracts issued on or after the operative date of these regulations.

1. *N.J.A.C.* 5:23-4.20(b)2 and (c)3iii All references to minimum fees have been deleted. There will no longer be a minimum fee charged by the Department.
2. *N.J.A.C.* 5:23-4.20(c)2i.5 establishes a fee of $92 for tents in excess of 900 square feet or more than 30 feet in any dimension.
3. *N.J.A.C.* 5:23-4.20(c)2i.6 sets a flat fee of $46 for all roofing and siding work completed on structures in use groups R-3 and R-4. This should result in a lower fee for most work. The previous regulations considered this an alteration to be charged on a cost per thousand basis which often resulted in excessive fees.
4. *N.J.A.C.* 5:23-4.20(c)2.99(2) and (3) Gas piping has been removed from the special devices category, and the fee has been adjusted to be charged per appliance connected to the gas piping.
5. *N.J.A.C.* 5:23-4.20(c)2iv(2) Detectors have been separated from sprinkler heads. This will result in a much lower fee for detectors in a typical installation of 1 to 12 detectors.
6. *N.J.A.C.* 5:23-4.20(c)3iii The certificate of occupancy fee has been reduced to a flat fee of $28 and the fee for a certificate of approval and certificate of compliance for work done under a permit has been removed.

Finally, the section dealing with routine and periodic inspections of elevators in *N.J.A.C.* 5:23-12.3 has been completely rewritten. NOTE: See article entitled "Elevator Subchapter Update" on page 2 for a review of these changes.

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Construction officials are responsible for knowing these changes and modifying their fee schedule if necessary.

Source: William Hartz, Chief
Bureau of Technical Services

Elevator Subchapter Update

Subcchapter 12 of the Uniform Construction Code, the elevator safety subcode, is in the process of being revised. The first set of revisions is contained in a rule adoption that appeared in the September 5, 1995 edition of the *New Jersey Register,* to be operative January 1, 1996. I thought it might be helpful to highlight some of the changes made by this rule adoption and to discuss the expected impact on construction and the inspection process.

The first change is that all elevator-related provisions involving the issuance of certificates have been moved from 5:23-2.23(j) to 5:23-12.3 and 12.9. Now you will be able to find the rules governing routine and periodic inspections and certificates of compliance in one place. The requirement that only one certificate be issued for a building perit has required us to clarify the relationship of the acceptance inspection and test both to the routine and periodic inspection process and to the issuance of certificates of compliance. We have also made it clear, at *N.J.A.C.* 5:23-4.18(f)4, that no fee is to be charged for a certicate of compliance.

The rules, as amended, will now allow a device to operate following the issuance of an approval once the elevator subcode official has applied an inspection sticker (F-225) and has made a recommendation for a certificate of occupancy or approval on the Elevator Technical Section (F-150). Therefore, once the subcode official has given his or her approval following a successsful test and inspection, he or she is approving the use of the device. Once the device has in this way been released by the elevator subcode official, it is considered to be fully accepted. By giving this release, the subcode official is giving assurance that all systems are complete and operational, and have passed the required tests and that the publicc can therefore ride on the device in safety. We therefore cuation you that, under the new rules as amended, the device must not have any outstanding nonconformances at the time of approval.

Once the subcode official has applied the "green sticker," a clock starts to run with regard to the scheduling of the routine and periodic inspections of the device. That is why the rules now require (at *N.J.A.C.* 5:23-12.3(a)4), that the building be placed on a cycle. This requirement places each building with elevator devices on a cycle that depends upon the type of devices in the building. The construction official and elevator subcode official must assure that the inspection cycle, once established, is maintained, even if work under a permit takes place in an existing building. The schedule for the building as a whole determines the cycle for each elevator device, regardless of when work is performed on an existing device. Code officials must follow a schedule that accounts for all devices within the municipality. Inspection work should be distributed over a time period which, taking into account the size of the municpality and the number, type, and distribution of devices, allow enough time for the subcode official to perform the annual and semi-annual inspections. Once the inpsection cycle has been established, the owners and elevator companies will be able to plan for the cyclical inspections.

The rules ow address the "out-of-service" issue. In a previous article ("Out-of-Service or Out-of-Service," Spring 1995) we discussed the different possible situations in which a device might be placed out of service. *N.J.A.C.* 5:23-12.3(a)4iii).

Lastly, we have included in the revision a requirement (*N.J.A.C.* 5:23-12.4(g)) that the lists of registered devices sent by our office to all construction officials must now be reviewed and that notice of any changes, errors, omissions, etc. shall be given to our office. It is necessary that the statewide registry of elevator devices be correct and complete.

Aosal to change the broad language concerning minor work at *N.J.A.C.* 5:23-12.8 was published in the August 7, 1995 edition of the *New Jersey Register.* This proposal includes a list of items that would be considered to be minor work, and therefore not subject to the plan review and testing requirements applicable to major alterations and "modernizations." More information will be provided regarding thse changes once the proposal has been adopted.

Source: Richard Osworth
Chief, Bureau of Code Services

Lightning Protection Systems

Some of the frequently asked questions on this subject are (i) "Why is the installation of lightning protection systems on structures other than Unlimited Area Farm Buildings, not regulated by the State Uniform Construction Code?" and (ii) "Are permits and inspections required for the installation of lightning protection systems for farm buildings as outlined in *N.J.A.C.* 5:23-3.2(d)5v?"

The answer to the first question lies in the concept that lightning strokes are most likely to occur at a high point, that is, where a tree, tall building, or some other extension of the earth rises upwards, thereby reducing the distance and, thus, the impedance between the charge on the earth and on the clouds. Studies have shown that the high object tends to 'divert' and 'intercept' practically all strokes that otherwise would have hit somewhere within the radius equal to the height of the object. The principle involved here explains why isolated farm buildings, even though only 20 to 30 feet high, are more susceptible to the lightning than similar

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buildings in densely populated areas. Regulations, therefore, mandate the installation of lightning protection systems on such buildings only. For other structures, it is desirable for the designer to assess the risks while considering the need for the system. NFPA 780 - Lightning Protection Code contains a risk assessment guide. This guide takes into consideration factors such as the type of structure, type of construction, structure location, topography, occupancy, contents, and lightning frequency.

The lightning protection system as such does not prevent lightning from striking, but, if installed properly, it provides a safe low-resistance metallic path through which the lightning energy can safely be directed to the ground, thus protecting the destruction and damage to the property and life. It is, therefore, important that the system is designed and installed in accordance with the requirements of nationally recognized standards such as NFPA 780, UL 96, and UL 96A. The Master Label Program of UL and the Certified System Program of the Lightning Protection Institute are both recognized nationally in the field of providing certifications for the installation of lightning protection systems based upon the requirements contained in NFPA 780. The design and installation work involved in the lightning protection system is highly specialized and is generally independent of the building systems regulated by the subcodes. Accepting a certification from recognized agencies/licensed engineers/registered architects, in lieu of a permit application, should be considered as meeting the intent of the UCC regulations.

Source: Ashok K. Mehta
Code Assistance Unit
Bureau of Technical Services

Backflow Prevention and Fire Sprinklers

Over the past several years there has been increasing concern over protection of America's potable water supply. The two groups entrusted with ensuring that the potable water supply is protected are the water companies and plumbing inspectors. The water companies get their authority from the Safe Drinking Water Act. The plumbing inspectors get their authority from the adopted plumbing code.

While both the water companies and plumbing inspectors (via the plumbing code) rely on the installation of backflow preventers, the types and purpose of devices dictated often differ.

Under the Safe Drinking Water Act, the water companies are charged with protecting their supply of water. They are not so concerned with what happens in the building; rather, they focus on keeping any contamination that occurs in the building from reaching their water main in the street. This type of protection is called containment. Under the plumbing subcode, plumbing inspectors are charged with protecting building occupants. Building occupants are protected by installing the appropriate backflow protector on any potable water pipe that connects to a potential source of contamination. An example would be a make-up water line to a boiler. This type of protection is called isolation.

Obviously, when two groups are working toward a single goal, their efforts must be coordinated. One of the tenets of the Uniform Construction Code is to avoid duplication of effort. The Department issued FTO #7 to try to coordinate the efforts of the water companies and plumbing inspectors. The FTO addresses appropriate protection for fire sprinkler lines.

Fire sprinkler lines are unique in that sometimes the backflow prevention provided is for containment and sometimes it is for isolation purposes. When a water line is run directly from the water main and serves only a fire sprinkler system, the protection is for containment purposes. In this case, the protection has nothing to do with the building occupants, and is simply to keep contamination from the fire sprinkler system from reaching the public main. In this case, the water company dictates what type of device is installed and ensures that it is installed properly. There is no plumbing inspector involvement, regardless of the characteristics of the sprinkler system (Siamese connection supplied by fire engine tank water, anti-freeze loop, etc.).

When a single water line is run from the main to the building to serve both the fire sprinkler system and the potable water needs of the building occupants, the backflow preventer requirements are clearly dictated by the plumbing code. In this case, the plumbing subcode official inspects the installation. The plumbing subcode official and the fire official need to share information. The plumbing subcode official needs to know the sprinkler system characteristics so he or she can require the appropriate backflow preventer. The fire subcode official needs to know what type of device is installed so he can check for the proper pressure loss in the design calculations.

And, just to prove that plumbing and fire people CAN work together, this article was jointly written by a 'fire guy' and a 'plumbing guy'! (Although the 'plumbing guy' did most of the work!!)

Source: Mike Baier, Code Assistance Unit, Technical Services
Gerry Grayce, Regulatory Affairs
Construction Code Element

Handicapped Parking

Since there still seems to be plenty of questions about handicapped parking spaces, I'd like to try to clarify who is responsible for ensuring that an individual parking space complies with accessibility requirements.

In 1989, the Handicapped Parking Act was signed into law. Although it amended Title 39, a Department of Transportation (DOT) statute, it also referred to the Uniform Construction Code (UCC) as another law with valid accessible parking requirements. The Handicapped Parking Act increased the penalty for violating the restrictions on an appropriately marked parking space to $100 for a first offense and adding community service for subsequent offenses. The Handicapped Parking Act required that penalty notification be given, so DOT designed the penalty sign. All spaces constructed June 1, 1990 and later were required to have both a handicapped parking sign and the penalty sign. Existing handi-

capped parking spaces were required to have their handicapped parking signs modified to include the penalty sign by June 1, 1991.

This is where the questions began. Who was responsible for making sure all the existing spaces were modified? In 1990, the Department informed all construction officials that they were responsible for ensuring the compliance of all parking spaces constructed under the UCC. This means that the construction official is responsible for making sure that parking spaces that serve an accessible building entrance have the required signs. (The local parking authority, often the municipal police department, is responsible for ensuring that parking spaces that do not serve an accessible building entrance comply. These parking spaces are usually in municipal parking lots or on municipal streets.)

I hope that this helps to clarify the responsibilities for providing the "appropriately marked" accessible parking spaces required by the 1989 Handicapped Parking Act.

Source: Emily Templeton
Code Development

Fireresistance Rated vs. Non-combustible Construction

Often fireresistance rated and non-combustible construction are confused as the same or similar. But they are not. The common belief that a fireresistance rated construction invariably constitutes the non-combustible construction is also wrong. Appropriate tests and acceptance criteria are specified in the code to ascertain fireresistance rating and non-combustibility of materials and assembly.

Only those materials that are tested and accepted in accordance with ASTM E 136 and BOCA National Building Code, respectively, are classified as non-combustible. Composite materials are accepted as non-combustible if they not only pass the ASTM E 84 test, but also comply with the criteria set forth in the said building code. For evaluation of fireresistance rating of building components and assemblies, ASTM E 119 is the appropriate test standard. Assemblies rated under this test are listed to perform their function for a specified period of time under specific fire condition.

The mandatory use of fireresistance rated and non-combustible construction is contained mainly in Chapters 6 and 7 of *The BOCA National Building Code/1993*. Whenever the code mandates the use of materials and assemblies to be non-combustible or to have a fireresistance rating, the performance of the material or assembly is to be evaluated as described above. The required fireresistance ratings are based on the potential fire hazard of the occupancy, the type of construction, and building components and assembly. The use of non-combustible building elements is intended to inhibit the growth and development of fire.

In type 1 and 2 construction, for the exterior walls, the code requires fireresistance ratings without the use of combustible materials (some exceptions apply). For other types of construction, combustible materials are permitted by the code. Where a building type requires non-combustible construction, code officials should be careful to allow only the permitted use of combustible elements. For example, FRTW may be used only as specified in the code. Listing and details of the fireresistance rated assembly should be checked and verified for code conformance. Any deviation from the code may degrade the construction type of the entire building.

To sum up the issue, fireresistance ratings are not necessarily a direct function of the non-combustibility of a material; the type of construction classification primarily determines the acceptability of building materials, components, and assembly.

The scope of this article is limited to the issues discussed and in no way cover the overall requirements of the code.

Please call the Code Assistance Unit at 609/530-8793 with any questions.

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit
Bureau of Technical Services

Seminar Registration

All licensed inspectors should have received their Fall brochure for continuing education seminars by now. If you have not, call the Education Unit at 609/530-8798, and one will be sent to you.

A new procedure for registration was implemented this semester. If, when you call, it is found that you have met your educational requirement, you will not be permitted to register. You will be advised to call one week before the seminar date. If there is space available we will gladly register you for the extra seminar at that time.

This procedure allows those who must complete their requirement this semester a better opportunity and selection, while still providing a chance for those who want extra seminars to register.

As always, it is advisable to attend your required seminars over the two year cycle and not wait until the last semester. Also, it is imperative that if you cannot attend a seminar, inform us as soon as possible. It is considered rude and unprofessional when inspectors do not show up for seminars after they have reserved a space. A "no show" may have pushed another inspector out of the seminar. Classes are smaller in size; every space is important. It is essential that you be in attendance if you have reserved a space.

Let's try to work together and we thank you for your cooperation.

Source: Susan H. McLaughlin
Supervisor, Education Unit

State-Sponsored BOCA Membership

BOCA membership is provided by the Department for each municipality in New Jersey. The membership belongs to the municipality and, therefore, to the assigned code officials within the municipality. If you leave a municipality's employment, you do not take the state-purchased BOCA membership with you. That membership will be reassigned within the municipality.

With only a few exceptions, each municipality is entitled to two (2) UCC BOCA memberships. The Department uses the following standard to determine which individuals get the BOCA membership. The first member is always the Construction Official. The second membership belongs to the Building Subcode Official unless that person is also the Construction Official. If the Construction Official and Building Subcode Official are the same person, then the second membership goes to the Fire Subcode Official.

We update the BOCA membership every month based on the changes in employment we receive from the municipalities. If the change has not been forwarded the BOCA membership will not be correct.

BOCA membership is now being coordinated by Frank Salamandra, Supervisor of Licensing. If the Construction Official has a question about the UCC BOCA membership in his/her municipality, please direct your question in writing to Frank at DCA, CN 816, Trenton, NJ 08625.

A second type of membership is provided by the Uniform Fire Code. If the fire official (not fire subcode official) has a question about this type of membership, it should be addressed to Kent Neiswender, DCA-UFC, CN 804, Trenton, NJ 08625.

Source: William Hartz
Chief, Bureau of Technical Services

Stepped-Down Foundation Walls

The practice of reducing the thickness of foundation walls once the wall is above grade is ever increasing.

The scope of this article is limited to the use of Table 1812.3.2 of *The BOCA National Building Code/1993,* which specifies the minimum thickness of foundation walls for various building materials when calculations are not provided.

The wall thickness specified in this table is based on the height of unbalanced backfill which the foundation is required to support. The wall is required to be this thickness from support to support, in most cases from top of footing to the bottom of the sill plate. If the thickness of the wall is reduced at any point in between supports, the depth of unbalanced backfill is limited to the tabular depth based on the reduced wall thickness.

To demonstrate this point, envision the foundation wall on the horizontal plane. This wall is nothing more than a simply supported beam with the connections at the top of the foundation and the bottom of the plate being the end supports and the unbalanced backfill being the distributed load. When viewing the wall in this plane, it is obvious that the thickness of the "beam" is required to be consistent from support to support. The same holds true for the vertical plane.

Should a design professional choose to use a design beyond the scope of Table 1812.3.2, calculations should be submitted for the code official's review and approval.

Source: John N. Terry
Bureau of Technical Services
Code Assistance Unit

Pre-manufactured Construction Fees

The Department has become aware of a situation relating to the calculation of code enforcement fees with respect to site work involving improvements and the installation of pre-manufactured construction.

Pre-manufactured construction (*N.J.A.C.* 5:23-1.4) is a generic term used for both industrialized/modular buildings (*N.J.A.C.* 5:23-4A), as well as manufactured (mobile) homes (*N.J.A.C.* 5:23-4B). The municipal fee for site construction associated with installation of pre-manufactured construction is covered in *N.J.A.C.* 5:23-4.18 (c) 1.i, which stipulates that such fees shall be based upon ESTIMATED COST OF WORK (all disciplines) and the fee shall be computed as a unit rate per $1,000 of estimated cost. The municipality can use the unit rate applicable for alterations, or it can adopt a separate unit rate category specifically for site work related to installation of pre-manufactured construction. This would necessitate a change to your fee schedule. As always, make sure your fee schedules are up to date.

If you have any questions regarding this procedure, please contact Paul Sachdeva at 609/530-8837.

Source: Paul Sachdeva
Manager, Industrialized Buildings
Bureau of Code Services

Certificates of Continued Occupancy

Certificate of Continued Occupancy (CCO) seems to be an annual topic for me. Apparently, code officials are still confused as to what their responsibilities are and when CCO inspections should be performed. *N.J.A.C.* 5:23-2.23(c) references CCO inspections. This section states that the use of the building must legally exist. In most cases, the use of a building or structure constructed prior to the adoption of the UCC, January 1, 1977, is deemed to legally exist. All subcode officials are required to conduct an inspection. The subcode officials inspect to ensure that no work has been done without a construction permit, a violation of *N.J.A.C.* 5:23-2.14, and that no unsafe conditions are evident, as cited in *N.J.A.C.* 5:23-2.32(a). This inspection is done by inspecting visible parts of the building only. Easy, right? But what if. . .?

What if you are unsure about the use of a building prior to the request for the certificate? Available records may help. Your old building department records should reflect the use of a building when built after January 1977. The Uniform Fire Code enforcing authority may have records reflecting their inspections. This may provide some information. What if the building was built prior to 1977 and the use has not changed? The building should be deemed legal. The CCO inspection can then be done. Remember, only visible parts of the building are inspected. You can only cite unsafe conditions. This is not a retrofit inspection. If you have any questions, contact Gerald Grayce at 609/530-8862.

Source: Gerald E. Grayce
Bureau of Regulatory Affairs
Construction Code Element

Is "Minor Work" for One and Two Family Dwellings Only?

NO. Only selected items in that code section — *N.J.A.C.* 5:23-2.17A — are restricted to existing one and two family, or separate single family dwellings. Here's the rest at a glance. These projects can be processed with Minor Work permits in all types of buildings (until you get to #4 below, that is):

1. Under the building subcode, construction or total replacement of any porch or stoop, as long as it does not function as the support of any roof or other building portion.
2. Under the plumbing subcode, replacing any existing plumbing piping with new and approved material of the same capacity, installating drinking fountains and condensate drains, and replacing existing low pressure hot water heaters with new ones of like capacity.
3. Under the electrical subcode, installing a maximum of five 110 or 220 volt receptacles or fixtures as long as the existing circuits and/or available space circuits and service are adequate to support the load. Also, you may replace existing wiring with new if you provide the same capacity and it is approved for use by the code.
4. Other assorted projects: Installation of a burglar alarm or security system. And, the special item in "#4 below": installation of low-voltage communication systems in any structure other than one or two family dwellings. Why the exception? You guessed it! In those dwellings such communication systems don't need any permit whatsoever, according to *N.J.A.C.* 5:23-9.3 Ordinary Repairs.

Source: E. Maria Roth
Code Specialist

Using UCCARS

Changing a Permit Number

At some point, every UCCARS user needs to change a permit number that has already been entered into UCCARS. The method is easy and straightforward, but there is a trick to remember. To change the number of any permit in either System I or System II, select Enter Data from the Main Menu. When UCCARS requests your password, for this time only, enter your level 4 Administrative password (e.g., pwd4). Select Permit, then enter the permit number as it exists in UCCARS. After you press the Enter key, the prompt "<F2> modify permit number, <F10> continue" will appear at the bottom of your screen. Simply press the F2 key; the Permit Number field will be highlighted. Type the correct permit number over the old permit number, and store the data. By the way, if you had entered any payments, permit updates, or certificates for the incorrectly numbered permit, they would also be changed automatically to the new number.

Source: Stan Kosciuk
President, MIS

Snow Load in CABO

The snow load figure in the CABO One and Two Family Dwelling Code Table No. R-201.2 *(N.J.A.C.* 5:23-3.21) is often confused as the ground snow load. It is, in fact, the roof snow load. CABO is primarily intended for homeowners building their own home. To keep things simple and avoid complicated design calculations, a reasonable roof snow load value of 20 psf has been assigned to CABO Table No. R-201.2. This roof snow load value is based on the ground snow load of approximately 30 psf.

If there is any serious concern about the ground snow load for any specific location, code officials may invoke Note 4 of the above table and use Bulletin 94-8. Please call the Code Assistance Unit at (609)530-8793 with any questions.

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit
Bureau of Technical Services

Keeping Out of Trouble

While performing a plan review or an inspection, how many times have you said the following to the owner or contractor? "I don't have a problem with this. Just have a design professional sign and seal the document."

This comment can only get us in trouble! When making a statement such as this, what we are doing is approving a construction design or method which has not been certified by a design professional. By doing so, we as code officials put the designers in a very awkward position. There may be some consequence of the design which we have not taken into consideration or which we may not have the expertise to analyze. When and if the designer refuses to certify the document, the first thing the owner or contractor says to the designer is, "The code official approved this, why won't you?"

The easiest way to avoid any of these problems is not to comment on designs or methods which will be required to be signed and sealed by a design professional.

Source: John N. Terry
Code Assistance Unit
Bureau of Technical Services

Farewell, Adieu

After many years of service to the State of New Jersey, Bill Hartz, Chief, Bureau of Technical Services, will retire at the end of this year. Bill began his government career in the Licensing Unit, became Supervisor of the Education Unit and eventually Chief of the Bureau. He has been a dedicated employee and we wish him the best of luck in his new endeavors. He will be missed.

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Train-the-Trainer

It has been several years since the Education Unit has provided a train-the-trainer course. Inspectors who successfully completed this course were added to the list of licensed code officials who are eligible to teach our educational programs.

Although we currently have an adequate number of instructors on the list, many inspectors are interested in participating in this training.

Warren County College has submitted an outline for a 40 hour course, which has been approved by the Education Unit. With successful completion, your name can be added to our list.

This course is scheduled to be offered in October 1995. If you are interested, you may call Ms. Nancy Laudenslager at 908/689-7613 for additional information.

Any college interested in running this course can obtain a copy of the course outline from the Education Unit. This course can be incorporated at several of our schools since so many inspectors across the state are interested. This is a great opportunity.

Source: Susan H. McLaughlin
Supervisor, Education Unit

New Jersey Register Adoptions

Date	Adoption
7/19/95	27 NJR 2388(a) Interpretation and Opinions Adopted Amendment: *N.J.A.C.* 5:23-3.9 adopted 5/26/95, effective 6/19/95.
9/5/95	27 NJR 3325(a) Annual Permits Adopted amendments: *N.J.A.C.* 5:23-2.14, 4.18 and 4.20, adopted 6/8/95, effective 9/595, operative 1/1/96.
	27 NJR 3325(b) Inspections; Certificates; Fees Adopted Amendments: *N.J.A.C.* 5:23-2.27(a), 2.23, 2.24, 4.18, 4.20, 12.3, and 12.4. Adopted New Rule: *N.J.A.C.* 5:23-12.9, adopted 7/25/95, effective 9/5/95, operative 1/1/96.
	27 NJR 3328(a) Building Subcode Adopted Amendment *N.J.A.C.* 5:23-3.14, adopted 6/8/95, effective 9/5/95.

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State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

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Municipal Procedures for Bidding and Contracts with On-Site Agencies

Municipalities choosing to utilize the services of private on-site inspection and plan review agencies have been required to use the competitive bidding process for the award of contracts. Since May of this year the U.S. District Court for New Jersey refused to continue the temporary restraining order issued by that Court regarding the letting of municipal contracts by competitive bid. Because this is a new process, having become effective January 1, 1995, there understandably has been some misunderstanding and/or confusion regarding exactly what is required and who is responsible for what.

During the past few months, the Bureau of Regulatory Affairs has received a record number of telephone calls and written requests for explanations and clarification regarding the bidding process. Following are some of the most frequently asked questions and the answers provided by the Bureau. They are presented in a manner to walk you through the process from issuance of the Request For Proposals (RFP) to award of the contract.

Q. Who is responsible for preparing the RFP?

A. The regulations at present do not specifically delegate this responsibility to any one particular individual. However, since the RFP is to specify any local procedural requirements with which the construction official and/or governing body will expect a private agency to comply in order to effectively enforce the subcode, it is only reasonable that the construction official assume the responsibility of preparing the RFP. Of course, input from other appropriate municipal officials such as purchasing personnel should be sought and considered.

Q. What is meant by local procedural requirements?

A. Local procedural requirements would include such things as expected days in the office, office hours, staffing, and response time exceeding the minimum standards set forth in the code with which the agency would be expected to comply.

Q. Other than procedural requirements, what additional information should be included in the RFP?

A. The RFP should:

1. Specify the term of the contract. At the option of the municipality, the contract may be awarded for a term of one, two, or three years. Officials may not request three

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bids, that is they may not ask that the agency give them a bid for a one year contract, another bid for a two year contract, then a third bid for a three year contract. The term must be specific and the agency is to submit only one bid for that particular term.

2. Specify that a SEPARATELY SEALED BID is required.
3. CLEARLY INDICATE that if more than one subcode service is being sought, the agency must submit a bid for EACH SUBCODE SERVICE. Subcode services may not be bid as a package. A separate bid is required for each subcode.
4. Specify that a SEPARATELY SEALED QUALIFICATION STATEMENT is required.
5. State the date and time by which qualification statements and bids must be submitted, which CANNOT BE LESS THAN 30 DAYS FOLLOWING THE DATE OF THE MAILING OF THE RFP. Although not required by the regulations at this time, it is suggested that the date, time, and place of bid opening also be included.
6. Provide the name and address of the person to whom the bid is to be submitted. This individual should be the municipal officer responsible for receiving bids for the municipality.

Q. To whom should the RFP be sent?
A. The RFP is to be sent to all authorized private on-site inspection agencies.

Q. How do we know which agencies are authorized by the Department?
A. The Bureau of Regulatory Affairs has a list of all authorized agencies and will provide a copy to anyone requesting it.

Q. Is public advertising (newspaper) also required?
A. No, it is not required, since only authorized agencies are allowed to bid for the contracts.

Q. If, for example, a municipality is seeking bids for fire and plumbing subcode services, is it all right to send the RFP only to those agencies providing both of the services?
A. No. The RFP must also be sent to all agencies providing even only one of the required services. For example, if an agency provides electric and plumbing services only, they should receive an RFP and be given an opportunity to bid on the plumbing subcode. An agency providing building and plumbing services must be given the opportunity to bid on the plumbing service, and so on. Obviously, an agency providing only elevator services would not have to receive the RFP.

Q. How should notice be given to the authorized agencies?
A. RFPs must be sent certified mail, return receipt requested.

Q. How should an agency respond to the RFP?
A. When responding to the RFP, agencies are to submit a written sealed bid and a separately sealed qualification statement.

1. The sealed bids must set forth the fees proposed to be charged for the work and must be expressed as a uniform percentage by subcode. Bids may not exceed 100% of the State mandated fees.
2. The qualification statements must contain all of the information required by *N.J.A.C.* 5:23-4.5A(d)1 through 13. No additional information shall be required; however, any omission of the required information gives the governing body the option to disqualify the proposal automatically.

Q. What procedures should be followed after proposals have been received from the agencies?
A. The designated bid receiver should forward all of the qualification statements to the construction official for final determination of eligibility. The separately sealed bids should be given to the municipal bid receiver to be held until the designated time for bid opening.

Q. May the construction official receive and hold the sealed bids?
A. Yes, if that is the procedure the municipality wishes to follow. However, the construction official is not to open the bids until the qualification statements have been reviewed and his/her written determinations have been provided to the governing body.

Q. What is meant by "the construction official's written determinations"?
A. The construction official is responsible for evaluating all qualification statements and must advise the governing body, in writing, as to whether in his or her judgment each agency submitting a bid is qualified to perform in accordance with the local procedural requirements.

Q. How does the construction official determine whether or not an agency is qualified to perform?
A. When reviewing the qualification statements submitted, the construction official should base his or her decision on the criteria specified in *N.J.A.C.* 5:23-4.5A(e).

Q. What happens if an agency is considered unqualified?
A. If an agency is determined to be unqualified by the construction official and governing body of the municipality, the agency's bid is NOT TO BE OPENED.

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Q. What happens to the bid of the unqualified agency?
A. The bid may be returned unopened to the agency, kept by the municipality, or handled in the same manner that is normally followed by the municipality when bids, for whatever reason, are not opened.

Q. Once the construction official has determined which agencies are qualified to bid, what are the next steps to be taken?
A. The construction official advises the governing body, in writing, which agencies in his or her judgment are effectively able to perform in accordance with the performance standards stated in the RFP. The governing body then also reviews the qualification statements submitted, consults with the construction official, and makes a final determination as to which agencies are able to satisfactorily perform the subcode services needed. If, as with the construction official's review, the governing body determines any agency to be unqualified, that agency's bid must not be accepted and opened.

Q. When should the bids be opened?
A. The bids should be publicly opened on a date and time set by the municipality. If the date and time were not included in the RFP, the municipality must provide this information to anyone interested in attending the bid opening.

Q. Must the governing body accept the low bidder?
A. The governing body must accept the low bidder OR must reject all bids within 30 days of the bid opening.

Q. What happens if there are tie bids?
A. The regulations are silent on the matter of tie bids. Therefore, the municipality may use any means it desires to break the tie. Names may be pulled from a hat (or whatever), a coin tossed, or the town may follow an established procedure for breaking tie bids if the municipality has one in place.

Q. What happens if all bids are rejected?
A. If all bids are rejected, the municipality must reissue the RFP and begin the entire bidding procedure again.

Q. What happens if the low bid is accepted?
A. If the low bid is accepted, the municipality enters into a contract with the successful low bidder.

Q. What happens to the bid documents after the contract has been awarded?
A. All bid documents such as the RFP, qualification statements, bids, etc. become public records and should be retained by the municipality for at least one year. This information must be made available for review to anyone requesting it.

Q. Is there an established time frame for the execution of the contract?
A. Yes. The contract must be entered into not less than 30 days prior to the beginning of the contract period.

Q. Is there any specific information that is required to be in all contracts?
A. Yes. The contract must set forth the amounts (percentage) to be paid by the municipality to the agency for each subcode service, provide the billing and payment schedule as indicated in *N.J.A.C.* 5:23-4.5A(j)l through 5, and identify the employee who will serve as the responsible official and representative of the agency (subcode official). Although not required, the Bureau strongly recommends that all contracts contain a 30- or 60-day no fault cancellation clause.

Q. What happens if the contract does not contain all of the information required?
A. Agencies are required by the regulations to provide the Bureau with a copy of all executed contracts at least 10 days prior to the effective date. Upon receipt, the Bureau reviews each contract. If any of the required information has been omitted, the Bureau notifies the municipality and the agency (by copy of the municipal notification) that a contract amendment/addendum is needed to satisfy the requirements of the regulations. The agencies are also required to provide the Bureau with copies of all contract amendments.

Q. Are there any stipulations as to the term (length) of the contract?
A. The contract must be awarded for the exact term specified in the RFP (which may be one, two, or three years). No deviations from the time frame indicated in the RFP are permissible.

Q. Do the construction official's responsibilities in the bidding process end with the award of the contract?
A. No, one step remains. Construction officials must file with the Department a notice of the execution of each contract within 10 days after the effective date.

Q. May contracts be automatically renewed or extended?
A. No, they may not.

Q. What options does a municipality have if its present contract has expired and a new contract has not yet been awarded and executed?
A. Because contract extensions are no longer permitted, the municipality must make an acting appointment under the provisions of *N.J.A.C.* 5:23-4.4(a)6. Either an individual or an on-site agency may receive an acting appointment of up to 60 days, providing the Department is notified. Acting appointments which exceed 60 days must be approved by the Department.

Hopefully, the information presented above has answered some of the questions you may have had regarding the bidding process. When taken one step at a time, the process is really not that complicated or difficult. However, just like anything new, it does take some getting used to. The most important thing to remember

is to give yourself plenty of lead time to prepare the RFP, to allow the required 30 days for response, to review the qualification statements, and to allow for the municipal procedures involved including timeliness of governing body meetings which can often delay bid openings and the award of contracts. Also to be taken into consideration is the time required to have resolutions prepared and approved by the governing body and the time needed to have contracts prepared and signed by all appropriate parties.

As in the past, the Bureau will continue to notify construction officials and municipal clerks at least three months in advance of contract expiration dates. This should give you sufficient time to prepare documents and proceed with the bidding procedures. In the meantime, if you have any questions or require additional information, please do not hesitate to contact the Bureau at 609/530-8838.

Source: Virginia Skwara
Bureau of Regulatory Affairs

Child Protection Window Guards

On June 8, 1995, Governor Whitman signed into law P.L. 1995, c.120. This legislation supplements the Hotel and Multiple Dwelling Law by providing for the installation of child-protection window guards in multiple dwellings, with some exceptions, upon the request of a tenant of a unit in which a child, 10 years of age or younger, resides. Regulations enforcing this law have recently been adopted by the Department.

The new regulation is through the Hotel and Multiple Dwelling Regulation and states that the guards are to be installed at no cost to the owner.

What effect does this have on the Construction Office? None! There are no permits required for the installations and there are no inspections under the Uniform Construction Code. The inspection of these devices are the sole responsibility of the Multiple Dwelling Inspector. Questions on these devices should be directed to the Bureau of Housing Inspection at 609/633-6216.

Source: John N. Terry
Code Assistance Unit
Bureau of Technical Services

Permit Extension Act and the Pinelands Area

On November 30, 1994, the Legislature adopted amendments to the Permit Extension Act, which extended until December 31, 1996, certain governmental approvals that had expired or were due to expire between January 1, 1989 and December 31, 1994. In the New Jersey Pinelands Area, the New Jersey Legislature determined that "Nothing in this act shall be deemed to extend any permit or approval issued pursuant to the 'Pinelands Protection Act,' P.L.1979, c.111 (C.13:18A-1 et seq.) if the extension would result in a violation of federal law, or any State rule or regulation requiring approval by the Secretary of the Interior pursuant to Pub.L. 95-625 (16 U.S.C. sec. 471(i)). The Pinelands Commission projects that this limitation on the applicability of the Permit Extension Act will affect less than 10 percent of actions taken by the Commission on development proposals in the Pinelands Area. Among the approvals affected by this limitation are those approvals granted by the Pinelands Commission prior to January 14, 1981 and certain Waivers of Strict Compliance granted by the Commission. However, the Commission has extended the effective date of some of these approvals until December 31, 1996, provided certain criteria are met.

If there is any uncertainty that a decision made by the Pinelands Commission is still valid for purposes of issuing a construction permit, municipal officials may call the Commission's development review staff at 609/894-9342.

Source: William Harrison
Assistant Director
N.J. Pinelands Commission

Alert!!

It has been brought to the attnetion of the Department that dissolving styrofoam in concrete forms with gasoline is a common practice. The removal of the styrofoam which is usually placed in a French drain system is more easily removed by dissolving it with gasolie than breaking it up by mechanical means.

This practice has very serious safety, health, and environmental ramifications. The obvious safety and health hazards are the release of vapors which are flammable (and has resulted in flash fires in the past), as well as hazardous to the health of the workers and the individuals who eventually will live and work in the building. The environmental hazard is the possibility of the movement of the gasoline into the ground water or surface waters, thereby contaminating those waters.

The code citations for this type of a violation are as follows:

a) BOCA National Building Code Section 417.1 required all buildings utilizing hazardous materials comply with the BOCA Fire Prevention Code. The Fire Prevention Code Section F-3203.7 prohibits the use of Class I and II flammable and combustible liquids within a structure for cleaning purposes.

b) *N.J.S.A.* 58:10A-6 (Water Pollution Control) which prohibits the discharge of pollutants without a New Jersey Pollution Discharge Elimination System Permit.

c) *N.J.S.A.* 58:10-23.11C (New Jersey Spill Compensation and Control Act) which prohibits the discharge of a hazardous substance to the soil or ground water.

Source: John N. Terry
Code Assistance Unit

Barriers vs. Guards

There has been an increased number of calls from design professionals, contractors, and building owners regarding requirements on guardrails. Specifically, a large number of code officials are using the "barrier" requirements of 421.10.1 from the swimming pool section of *The BOCA National Building Code/1993* and applying these to the "guard" requirements of section 1021.3 in the means of egress chapter . These features are separate and distinct. One is a "barrier," the other a "guard;" the requirements for the two may not be interchanged.

The confusion seems to arise around the requirement in section 1021.3 which states, "Guards shall not have an ornamental pattern that would provide a ladder effect." While attempting to enforce this provision, code officials have been referring to section 421.10.1 (#6) for guidance. By doing so, the code officials have been requiring guards, when constructed of chain link mesh, to have a maximum mesh size of 1 1/4 inches. The "ladder effect" provision of section 1021.3 does not apply to the size of chain link mesh; it simply applies to horizontal or nearly horizontal members which are readily climbable.

Source: John N. Terry
Code Assistance Unit
Bureau of Technical Services

Site Impracticality

In Chapter 11 of *The BOCA National Building Code/1993,* section 1107.4.2 grants a site exemption for sites with barriers that prevent the construction of an accessible route. When the Barrier Free Subcode was revised, the site exemption section in Chapter 11 was deleted because it allowed a site to be engineered to avoid access requirements.

Why was such a provision included in BOCA? It was an attempt to craft code language to address the site impracticality provisions in the Federal Fair Housing Amendments Act. Although the intent of the Federal rules for site impracticality was reasonable, its effect was not. The Federal Fair Housing Act Guidelines established a complex and expensive site analysis, which included an engineering analysis using a two-foot grid and a comparison of the slope at the site access point (often the parking area) and the accessible building entrance, to determine the number of required accessible dwelling units.

The Department decided not to include the Federal site impracticality guidelines and not to adopt the more general BOCA provision in the Barrier Free Subcode because we believe the variation process in the Uniform Construction Code is more effective. When it is not feasible to provide the required number of accessible dwelling units, we believe that code officials are able to review and evaluate the application for a variation and to make a site-specific determination about whether a reduced number of accessible units is warranted.

However, in an attempt to clarify the question, the Department submitted a code change to BOCA. Although it was not accepted during the last code change cycle, we intend to continue to work on language to deal with this issue. In the meantime, if you receive an application for a variation that includes the Federal Fair Housing Amendments Act site analysis as evidence of site impracticality, you may consider that analysis in your variation review. Although you cannot require such an analysis, submission of one that is already completed makes a good case for the variation. On the other hand, when you receive an application for a variation and there is no site analysis submitted, we have confidence that you will make a sound judgment based on the characteristics of the site in question.

Source: Emily W. Templeton
Code Development

Update and Safekeeping of Standard Forms

As many of you know, input was requested regarding revisions to the standard forms. Input has been received and assimilated. Several forms have changed. We hope to be able to introduce the changes as a proposal in the *New Jersey Register* early in 1996. After adoption, mechanicals will be made and one set mailed to each municipality. An interim time before the new forms are required to be used will be given to allow municipalities to use up the old forms.

For printers to obtain a set of forms they must do so in writing to the undersigned. For safety purposes the only forms that the public is permitted to purchase from printing vendors are the file folder and five technical sections: building, plumbing, fire, electrical, and elevator. There have been a few cases where the construction permit form has gotten into the public hand. Construction officials and control persons: This is the one and only form that must be filled out completely by you or your staff. Please adhere to this uniformity in our requirements. As always, safety and security first.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

Annual Permits— Changes Effective 1/1/96

Annual permits for building/fire, plumbing and/or electrical may be issued by the construction official to educational, industrial, institutional, mercantile, business, and government facilities. On January 1, 1996 the new training procedures will be implemented. The Department will provide seminars on a regular basis. At least one, but not more than three, individuals per subcode are

permitted to attend. The seminars will be announced in the Rutgers brochure for continuing education published for the Fall and Spring semester each year.

When the construction official forwards the construction permit and the training fee ($140.00 per subcode) to the Education Unit, Bureau of Technical Service, they must include the list of individuals who are required to complete five hours of continuing education per year. The Department will maintain the training records for each annual permit holder. The annual permit will not be renewed unless the facility completes the training for each issued subcode. The Department will notify the construction official who issued the permit if training has not been completed.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

Barrier Free "Exempt"— What Does It Mean?

When a construction project to provide access is voluntarily undertaken, does the Barrier Free Subcode apply if the building is otherwise exempt from its provisions? More specifically, do the slope requirements of the Barrier Free Subcode apply when a ramp is constructed at a single family detached home? The answer (to both questions) is "No." If a homeowner wants to build a ramp, it should be constructed to provide access for that individual and the slope may be whatever the individual needs it to be. To apply the Barrier Free Subcode to a building that is otherwise exempt changes the meaning of the word "exempt."

Source: Emily Templeton
Code Development

C. of O.: Can You Refuse?

The apartment lease is up in a week and the home closing is two days from now. You, the construction official, tell the applicant it's impossible to move into this home. You say you can't give a certificate of occupancy because the carpeting hasn't been installed, some special interior doors are still on order and running late, and Uncle Joe's promised custom kitchen cabinets are just getting their last finishing touches back in his shop.

All the kitchen has right now is a sink, stove, and refrigerator.

It's a cliff hanger for the prospective owners and decision making time for you — can you or can't you refuse a Certificate of Occupancy (C. of O.)?

The owners have spent hours poring over the plans you approved. They claim they have completed the work "in accordance with the permit, the approved plans and the regulations" as is stated in *N.J.A.C.* 5:23-2.23(f)4.

Well, almost. Some essential things really are missing, as well as some non-essentials. Upon close examination it turns out that for each missing item there is a remedy by which you could save the day:

- The carpet is only in the documents but not regulated by code. Therefore, it could be taken out of the construction documents simply by written amendment. Later it can be installed as an ordinary repair. Therefore the missing carpet is not an obstacle to issuance of the C. of O.
- The cabinets in this case, it turns out, were not even shown in detail on the drawings. Only the space for them, saying "future cabinets" was reserved on the plans and the interior elevations that showed the carpenter how low to bring the soffits. They weren't even in the contract. Also, they are not regulated by code. So their arrival date has no impact upon the C. of O. Had they been in the contract, though, they could have been dealt with as an amendment exactly like the carpet.
- The only items in this case which might require a Temporary Certificate of Occupancy (T.C.O.), instead of a permanent C. of O., may be certain doors. But only two types of interior doors. In a CABO home, toilet room doors are required for privacy and between house and garage, solid core wood doors 1 3/4" thick, or approved equivalent. In a BOCA home, which does not require toilet room doors at all, only the door to the garage is necessary. If you as the official having jurisdiction are able to allow and obtain a temporary solution to the missing required doors "without endangering life or public welfare" then the owners can move in. Those doors will have to be installed and inspected by the date you've shown on the T.C.O., but unregulated doors can later be installed independently by the owner if the contract documents have been adjusted as above.

Examining all that regulatory detail when deciding whether to give or withhold a certificate of occupancy allows good judgment to prevail.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

Is It Egress?

Those flat, nearly flat, or sloped utility doors in the yard through which you bring up your gardening tools, hoses, and other occasional items from the basement are almost never intended as primary egress for people. That's why they are often served by only a ladder or wall mounted rungs — though sometimes by a flight of stairs. The codes do not require homes to have basement utility doors and therefore do not specifically regulate them.

Because these doors are almost never part of a home's egress system, the provisions of the BOCA and CABO stairway sections are generally not applicable to them.

On the rare occasions where such a basement utility door must fill the additional function of emergency escape from a sleeping room, it becomes subject to the conditions of BOCA section 1010.4 or CABO section R-210.2.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

Multi-Story Dwelling Units and Access

During the past few months, several questions have come up that have caused a great deal of discussion in the Barrier Free Subcode class. One of the issues that seems to be the most confusing is how to define a multi-story dwelling unit. Simply put, a multi-story dwelling unit is a dwelling unit that has more than one story of living space. More simply put, it is a dwelling unit with an upstairs and a downstairs. In buildings with no common use elevator, multi-story dwelling units are exempt from accessibility requirements. In buildings with a common use elevator, the story served by the elevator must be accessible.

Source: Emily W. Templeton
Code Development

Habitable Attics Are Back

On September 5, 1995, the term "habitable attic" was inserted in the UCC at *N.J.A.C.* 5:23-3.14(b)2v. The term is defined in a manner consistent with *The BOCA National Building Code/ 1990* and states:

"Attic, Habitable": A habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet above the attic floor is not more than one third the area of the next floor below."

Should a homeowner or design professional choose to utilize a habitable attic in a design for new construction or an alteration, it is now acceptable under the Uniform Construction Code.

Source: John N. Terry
Code Assistance Unit
Bureau of Technical Services

New Seminars—1996

Several new seminar proposals have been submitted for review and evaluation for 1996. The review committee consists of Marge McDonald and Carolyn Golojuch from Rutgers University and Susan McLaughlin and Larry Wells of the Department of Community Affairs.

Volunteers requested once again from the Associations enhanced the committee structure. Four new names were added: Richard Castellitto representing the Municipal Electrical Inspectors' Association of NJ, Thomas Millar representing the Building Officials' Association of NJ, Arthur Londensky representing the New Jersey Fire Prevention and Protection Association and Charles Douches representing the New Jersey Plumbing Inspectors' Association. We were very pleased to have them add their technical expertise to our review process. Special thanks also go to the Associations for recommending the candidates.

Watch the mail for your spring brochure toward the end of January.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

Building Safety Conference 1996

The Building Safety Conference of 1996 will be held in Atlantic City at the Trump Taj Mahal Casino Resort on May 15th through May 17th. The registration fee will be $75.00. (Early registration rates will be $55.00.) As usual, the Taj Mahal will be setting aside a block of sleeping rooms at a special rate of $92.00 per room.

Special training seminars will be presented at the conference. We encourage you to mark your calendar now and look forward to seeing you in Atlantic City in the spring.

Using UCCARS—Census Numbers

Most of the confusion regarding which census item numbers to use involves a few specific types of permit applications. The most common problem areas are listed below, along with the use group, census number, and type of work that should be used.

- In-ground swimming pool: U, 434, alteration
- Above-ground swimming pool: U, 999, alteration
- Detached garage: U, 438, addition or alteration
- Shed: U, 328, new; or U, 434, alteration
- Tank removal/abandonment/fill: U, 649, demolition
- Tank installation: U, 999, alteration

There are a few key points to keep in mind.

First, census item numbers that start with '1' (e.g., 101) are for new residences. Those beginning with '2' (213) are for new residential non-housekeeping buildings such as a hotel or motel. Those beginning with '3' (327) are for new non-residential buildings. Note that all census numbers in this category are for new buildings only, regardless of the type of building, for which you must enter both square and cubic footage.

Second, for alterations or additions, the census numbers always begin with '4' (434). Demolition permits require census numbers that start with '6' (645).

Third, census number '999' is for out-of-scope work. Notice in Information Booklet C-404(B) published by the U.S. Department of Commerce, Bureau of the Census, there are a number of types of construction that are listed as O/S (out of scope). These include roofing, siding, and fences, which often are erroneously entered as '434'. If you take a few minutes to flip through the booklet, you may be surprised at how many permits should be entered as O/S (999) rather than as alterations.

Source: Stan Kosciuk
President, MIS

Control Person of the Year

The Building Safety Conference Committee would like to recognize a "Control Person of the Year" at the Spring conference. We feel that this team member is one of the most valuable players in the municipal organization.

The award is available to control people who meet the following criteria:

A full-time control person for the past five years in one or more New Jersey municipalities whose activities have advanced the cause of code enforcement, including a resume that highlights both paid and volunteer activities of the individual.

Nominations may be received from mayors or township committee members, the public at large, control person organizations, and other control persons.

Please respond with nominations by March 31, 1996 to:

Building Safety Committee
Box 6604
Lawrenceville, New Jersey 08648

Source: Susan H. McLaughlin
Supervisor-Education Unit
Bureau of Technical Services

Control Persons Unite

A successful venture has begun! Announcing the formation of the CONTROL PERSONS ASSOCIATION OF BERGEN/PASSAIC COUNTY. We have organized to promote and encourage the exchange of information, education, responsibilities, and professionalism of the control person. We have received positive feedback from our first two meetings and invite anyone interested in joining to contact either Linda Aiello (Township of Washington Building Department), or D.J. Giesenhaus (Saddle River Building Department).

Remember, behind every good inspector is a great control person!!!

Source: D.J. Giesenhaus, President
Bergen/Passaic County Control Persons Association

EDITOR'S NOTE: *The following article is a corrected reprint of the article that appeared in the Summer 1995* Communicator. *This article supersedes the previous article. If you save your newsletters, to avoid confusion, cross out the article in Summer 1995 issue and reference this reprint.*

Revised Article on Lightning Protection Systems

Some of the frequently asked questions on this subject are (i) "Why is the installation of lightning protection systems on structures other than Unlimited Area Farm Buildings not regulated by the State Uniform Construction Code?" and (ii) "Are permits and inspections required for the installation of lightning protection systems for farm buildings as outlined in *N.J.A.C.* 5:23-3.2(d)5v?"

The answer to the first question lies in the concept that lightning strokes are most likely to occur at a high point, that is, where a tree, tall building, or some other extension of the earth rises upwards, thereby reducing the distance and, thus, the impedance between the charge on the earth and on the clouds. Studies have shown that the high object tends to 'divert' and 'intercept' practically all strokes that otherwise would have hit somewhere within the radius equal to the height of the object. The principle involved here explains why isolated farm buildings, even though only 20 to 30 feet high, are more susceptible to the lightning than similar buildings in densely populated areas. In addition, single story commercial farm buildings are unlimited area buildings that do not require automatic fire suppression systems. Regulations therefore mandate the installation of lightning protection systems on such buildings only. For other structures, it is desirable for the designer to assess the risks while considering the need for the system. NFPA 780—Lightning Protection Code contains a risk assessment guide. This guide takes into consideration the factors such as the type of structure, type of construction, structure location, topography, occupancy, contents, and lightning frequency.

The lightning protection system as such does not prevent lightning from striking, but, if installed properly, it provides a safe low-resistance metallic path through which the lightning energy can safely be directed to the ground, thus protecting the destruction and damage to property and life. It is, therefore, important that the system is designed and installed in accordance with the requirements of nationally recognized standards such as NFPA 780, UL 96, and UL 96A. The Master Label Program of UL and the Certified System Program of the Lightning Protection Institute are both recognized nationally in the field of providing certifications for the installation of lightning protection systems based upon the requirements contained in NFPA 780. The design and installation work involved in the lightning protection system is highly specialized, and is generally independent of the building systems regulated by the subcodes. A construction permit is therefore NOT required for such systems.

Source: Ashok K. Mehta
Code Assistance Unit

Third, census number '999' is for out-of-scope work. Notice in Information Booklet C-404(B) published by the U.S. Department of Commerce, Bureau of the Census, there are a number of types of construction that are listed as O/S (out of scope). These include roofing, siding, and fences, which often are erroneously entered as '434'. If you take a few minutes to flip through the booklet, you may be surprised at how many permits should be entered as O/S (999) rather than as alterations.

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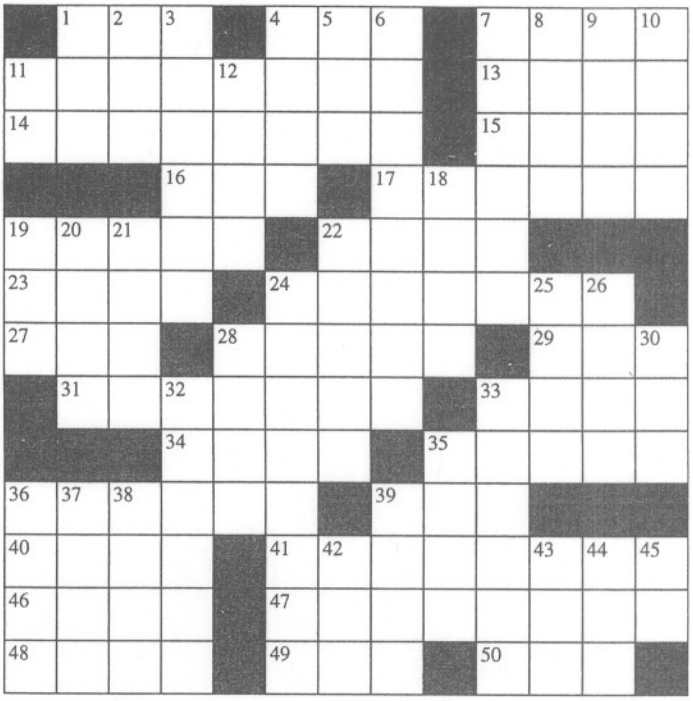
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Source: Ashok K. Mehta
Code Assistance Unit

Crossword Puzzle



ACROSS

1. Excavate
4. Approves the building
7. Back of the pack
11. Type of load
13. Regarding (2 words)
14. Nail or screw
15. Adolescent
16. Explosive compound
17. Steel members
19. Withheld to protect the innocent
22. Stress _____ panel
23. Battle reminder
24. Odorized
27. Hem or Douglas
28. Piece of glass
29. _____ and don'ts
31. Blow-up drawings
33. Dryer concern
34. Molding type
35. Insulation rolls
36. Concrete tool
39. I've _____ it
40. Roof part
41. Bends
46. Applicant?
47. Must be 7"–11"
49. Drawn proportionally (Abbr.)
50. Times 2 = type of fly

DOWN

1. UCC Dept.
2. License level
3. Stormwater drainage
4. Beveled wood piece
5. Minimum number of exits
6. Alarm bell components
7. A.C. load
8. Confused
9. Valve or plant part
10. Weight amounts
11. Certificate _____ Approval
12. Office need
18. In a _____
19. Potable pipe mark
20. Hazardous material
21. The Old Gray _____
22. Proportion
24. Coupling type
25. Check and correct
26. Inspector's favorite word?
28. Wise one
30. Address parts (Abbr.)
32. Radio or TV structures
33. Most recent
35. Nut companion
36. Communication device (Abbr.)
37. Guard or hand
38. Famous office
39. Shock protectors (Slang)
42. Not int.
44. Golfer's need
45. "Sweet" softwood (Abbr.)

Solution on page 11.

Energy Subcode Survey and Training Contract

In order to gain greater compliance with the Energy Subcode adopted by the State of New Jersey for commercial buildings (ASHRAE/IES 90.1-1989), DCA will be awarding an energy contract for the development of a compliance survey; training for design professionals, builders, and other stakeholders; and training for local Uniform Construction Code enforcement officials. If you are interested in receiving a Request for Proposal (RFP)., please call Marge McDonald at the Center for Government Services, Rutgers University (908/932-3640 ext. 624).

Important Notice to All Building Inspector–I.C.S. Applicants

The latest (September 1995) printing of the *Licensing Information Booklet* contains a *partial* error on page 15. One of the two test modules required for the Building Inspector I.C.S. license should have read 4A and *not* 4B – Mechanical 1 & 2 Family. However, the detailed description of the requirements for the Building Inspector I.C.S. license on page 5 of the Licensing Information Booklet correctly lists 4A along with 1B as the required test modules.

If you have already registered to take test module 4B in April 1996 (for the Building Inspector I.C.S. license), please contact Education Testing Service immediately at 609/921-9000 in order to make the necessary correction.

We apologize for any inconvenience this may have caused. If you have any further questions you may contact the Licensing Unit at 609/530-8803.

Source: Frank L. Salamandra
Supervisor of Licensing

Bye Lines

Bill Hartz, Chief, Bureau of Technical Services, is a legendary figure in the Department of Community Affairs. Many of you may not know Bill personally, but all of you know his work. After Chuck Decker departed, very few people believed that things would remain as smooth as before. Thanks to the extra efforts and extraordinary leadership of Bill Hartz, the construction code element provided some of the best services to benefit the construction community. His charismatic approach to construction problems impressed many of his foes. The Bureau owes him greatly for his input and guidance. We must admire his humane approach to many complex problems — the basic and essential part of a good manager.

Now, when he is leaving us (we won't say he is retiring because he is a person who can never retire from an active life), we wish him great and grand success in all his future endeavors. So Bill, here are some of the thoughts and feelings of your co-workers as you move on.

The State of New Jersey's loss is definitely BOCA's gain. —JNT

Bill has all the ingredients of a great manager. His terrific leadership and concerted efforts provided the construction community with solutions to many complex issues. —FA

I've observed, admired, appreciated, and benefited from his unfailing responsiveness to the many demands of the Bureau and to the individual concerns of the staff. It has been wonderful to know that a very real and caring man sits in that corner office who, despite an extremely crowded schedule, will see and hear you. —EMR

It's hard to describe the kind of person Bill Hartz is in a line or two. He has a true talent for problem solving and management, he's dedicated and responsive, fair and honest. A true gentleman. I'll miss him personally and professionally. —MB

One door shuts and another opens — new opportunities lie ahead. All best wishes as you move in your new circle, remembering always your friendships of the past. —Education Unit

Words cannot express how we feel. A great friendship, a great boss who, in moving on, will be a great leader appreciated by others, a great co-worker, and most of all a great person with a great big heart. I'll miss you like most others but even more. —Debra

As the youngest member of the Bureau staff, and as someone who shares a similar beginning in a career in state government with Bill, I would simply like to express my sincere appreciation for all his help and guidance as well as setting such a fine example for me to follow. I would also like to extend my very best wishes to Bill in his future endeavors. —JAD

I will remember Bill most of all as a truly sensible and practical down-to-earth person of exceptional competency and integrity. To me, Bill epitomizes the qualities that an administrator should possess. My sincere best wishes to him always. —FS

As my supervisor, Bill has supported and assisted me with problems both job related and personal. I will miss you a lot. Just don't forget us and keep in touch. Buena Suerte. —Cecilia

Words do fail me at this time. It's not unlike a small country losing its leader. Upon hearing of Bill's decision to retire, there was shock and disbelief. No one could imagine Tech Services without him. However, unlike a small country losing its leader, Bill leaves with all of our warmest and best wishes for the future. Good luck! —M. Howard

Bill, may you have in the years ahead many fulfilling endeavors and new experiences. Sincerest best wishes to you for good health and much happiness. You will be missed. —PB

New Jersey Register Adoptions Winter 1995

Date	Adoption
9/18/95	27 NJR 3600(a) Notice of Administrative Changes, Radon Hazard Subcode, New Jersey Municipalities in Tier 1, *N.J.A.C.* 5:23-10 Appendix 10-A.
10/16/95	27 NJR 3933(a) Permits Adopted Amendments: *N.J.A.C.* 5:23-1.4, 1.6, 2.16, 3.8, and 3.12, effective 10/16/95.
11/6/95	27 NJR 4281(b) Elevators Adopted Amendments: *N.J.A.C.* 5:23-2.17A, 12.2, 12.6, 12.8 and 12.9, effective 11/6/95, operative 3/1/96 except that N.J.A.C. 5:23-2.17A(c)6xxv through xxvii, operative 5/l/96.
11/20/95	27 NJR 4699(a) Commercial Farm Buildings Joint Adopted Amendments: *N.J.A.C.* 5:23-2.28, 3.2, 4.18, 4.19, and 4.20, effective 11/20/95, operative 3/20/96.
12/4/95	27 NJR 4884(a) Change of Use Group; Interpretations Adopted Amendment *N.J.A.C.* 5:23-2.6; Adopted New Rule: *N.J.A.C.* 5:23-9.8, effective 12/4/95, operative 4/5/96.
	27 NJR 4885(a) Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees Adopted Repeal: *N.J.A.C.* 5:23-11.1 through 11.12, effective 12/4/95.

Source: E. Maria Roth
Code Specialist

Solution to Puzzle



Best Wishes for a Happy New Year!

Building Safety Conference Golf Outing

The Building Safety Conference Committee is considering a golf outing in conjunction with the conference. The outing will take place at the Mays Landing Country Club on Wednesday, May 15, 1996. The price will not exceed $75 per person. A separate mailing will follow with final details.

Any reader of the *Construction Code Communicator* is invited to participate. We ask that you express your interest so we can make appropriate plans.

Please respond by February 1, 1996 to:

Building Safety Committee
Box 6604
Lawrenceville, New Jersey 08648

Thank you.

Building Safety Committee

- ❑ Interested in participating
- ❑ Interested in sponsoring a hole
- ❑ Interested in donating a gift/door prize or award

Name _____

Address _____

_____

Comments: _____

_____

_____

Construction Code Communicator

NEW JERSEY UNIFORM CONSTRUCTION CODE

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 6 Number 1

Spring 1994

Propane to Natural Gas Conversions

The Department has established Letters of Agreement with the gas utilities concerning conversions from propane to natural gas. The Department has agreed that when the utility performs conversions from propane to natural gas, a UCC permit is not required provided the following conditions are met:

1. Utility employees, not subcontractors, will perform the work.
2. The utility will notify the municipality in writing that the conversion is being done. The municipality will be provided with a separate letter for each unit converted. Each letter will include the street address and block and lot. The code enforcement office should file these letters in the appropriate block and lot file.
3. The utility agrees that anytime work exceeds what is permitted by NJAC 5:23-2.14(b)5, or an appliance must be replaced, the utility will notify the owner that the work is required, a permit must be obtained, and a conversion can not be done until the UCC inspector has approved the work.

The majority of these conversions only require the utility to adjust the natural gas pressure, drill an oriface, or install a conversion kit in the appliance. In many cases the appliance installed was a natural gas appliance aniticipating the availability of this fuel. The appliance was installed with a propane conversion kit and now the utility is restoring the appliance with original equipment. If you have any questions, please contact the Code Assistance Unit at 609-530-8793.

Source: William Hartz
Chief, Bureau of Technical Services

Industrialized Building Commission—Update

In January the Commissioner signed the rule adoption for implementing the Industrialized Building Commission's (IBC) Model Rules and Regulations. The adoption finalizes New Jersey's participation in the interstate compact.

Under the rules the IBC will be responsible for the administration of the industrialized building certification process. As was mentioned earlier in the Communicator, the use of Industrialized Building Commission labels are required to be on all closed panel construction sited in New Jersey. The process of third party inspection of modular units will be reviewed by the IBC.

The local construction official can expect more uniformity in the documents received when a modular unit is part of the construction project. As was the case for years, the local official is responsible for the plan review and inspection of all on-site construction elements such as footings and foundations or structures built on-site and attached to the unit. As for the modular unit,

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the construction official can only require the proper label/certification, installation instructions and floor plan schematic. Sealed plans are not required for the unit, but are required for any site constructed work.

Further, the adoption of IBC rules allows a modular unit to be built to other National Model Codes which are not adopted in New Jersey, but by rules the Commissioner has found to be equivalent based on the Uniform Construction Code Act. Therefore, the data plate, which contains more detail than the label, may refer to codes not used in New Jersey. The IBC rules allow this equivalency to streamline the modular construction process while still assuring our citizens that the unit will perform the same as a site built unit. All site constructed work must conform to the adopted subcodes of the UCC.

Another important fact about this program is that the IBC plays an administrative role, not an enforcement one. When code deficiency or other non-conformances occur, the IBC may review the facts, but participating states, which includes New Jersey, are responsible for enforcement. If code violations are found, the states will take action by issuing orders and penalties to be adjudicated at the State level, not at the IBC. Therefore, any problems which a construction official may find, should still be directed to the Industrialized Buildings Unit (609-530-8837) for their action.

Listed below are the third-party agencies authorized to operate as inplant agencies under the Commission's rules; therefore, schematics and building systems can be approved by these agencies:

T. R. Arnold & Associates, Inc.
Building Inspection Underwriters, Inc.
Hilborn, Werner, Carter & Associates
Products Fabrication Service Corporation
Professional Service Industries Inc./PTL
Progressive Engineering Inc.
NTA, Inc.
RADCO
Underwriters Laboratories Inc.
A. N. Vendola & Associates
State of Minnesota

Source: Paul Sachdeva
Manager, Elevator Safety Unit

Abandonment of Heating Oil Tanks—Less than 2,000 Gallons

The Department thought that Bulletin 91-4 addressed this issue completely. Basically, it stated that if there was no reason to remove the tank, then five different examples were given on how to fill and close the tank in place.

It appears that numerous inspectors have established a policy that, "In my town, all tanks are removed." If this is an arbitrary decision, not based on cause, the Department will not support that decision. But, the BOCA National Fire Prevention Code gives the code official the authority to determine when the tank must be removed. This is correct, but for specific reasons, such as when the tank is leaking.

If there is no evidence that the tank is leaking, or is in any way a danger, then the owner shall have the option of filling the tank in place. If, upon inspection of the cleaned tank, there is evidence of leakage, that would be cause for removal of the tank.

Any time an inspector requires a tank to be removed, the reason for that decision shall be in writing and placed in the permit jacket.

Source: Gerald Grayce
Bureau of Regulatory Affairs

Optical Fiber Cable

Optical fiber cables are key components in today's commercial and industrial applications which require high quality and high capacity voice, video, and data communication circuits. A well-designed system of fiber optics as a communication medium has inherent advantages over conventional wiring systems in the areas of performance, electromagnetic interference immunity, and light weight. Because of these advantages, fiber optics are increasingly being used for many types of data transmission, at a lower cost than metallic conductor circuits.

Fiber optics is a new and rapidly growing technology, and products are constantly being developed to speed up and simplify installations. Article 770, titled "Optical Fiber Cables and Raceways," was introduced in the NEC to permit its orderly development and usage for communications, signaling, and control circuits in lieu of metallic conductors. This article covers the listings and marking requirements and installation application of optical fiber cables with other electrical conductors. It does not, however, cover the construction and splicing technology for optical fiber cables.

For the benefit of inspectors engaged in the use and inspection of optical fiber cables, the Bureau of Technical Services has video that explains various types of optical cables and their structures and application in communications systems. This video provides guidance to users through various installation techniques and factors which, in addition to the provisions of the NEC, need to be taken into consideration in design and installation work involving optical fiber cables. If interested in the video "Fiber

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Optic Cable Preparation and Installation," please contact the Education Unit of the Bureau of Technical Services at 609-530-8798.

Source: Ashok K. Mehta
Principal Engineer, Code Assistance Unit
Bureau of Technical Services

Building Systems—Should They Be Reviewed?

Consider this situation: The plans for a home show 2 × 8 floor joists of hem fir (2 or better), spanning 14'6". The foundation walls are un-reinforced hollow core 8" CMU 7'6" in depth. The plans are sealed by a licensed architect and approved without question by the local building department. After construction and perhaps one year of occupancy, the homeowners file a Major Structural Defects claim. Could this situation have been prevented?

5:23-2.15(e)3v.i., entitled Building Systems, states that structural, electrical and mechanical designs need not be checked in detail if designed by an architect or engineer. The regulation further states that the design is the responsibility of the architect or engineer who sealed the plans.

The key phrase to note in these regulations is, "need not be checked in detail." Its intent is not to state that code officials have absolutely no responsibility whatsoever with reference to these systems. It is more than reasonable to expect that all officials are checking important, basic items such as joist spans, foundation walls (size and depth), and truss bracing details. If there is a lack of detail on the plans, a simple sealed letter from the designer may be sufficient.

I am not suggesting that design calculations be required for a 22 story high rise; that information would not mean much to most of us. However, a few prudent questions at the onset of a project may save everyone involved a lot of time and money in the long run.

Source: Louis Mraw
Bureau of Regulatory Affairs

Park Models/Labels

As the summer season approaches, we thought it would be appropriate to update you on the status of Park Model Trailers. You should read Bulletin Number 93-6 for a more complete discussion on the issue.

The Department issued Cease and Desist Orders against the manufacturers since the units were sited in violations of the Uniform Construction Code. The resulting settlement agreements allow for future shipments to be labeled as complying with the only current standard for Park Model construction, ANSI 119.5. Proof of compliance is the Recreational Vehicle Industry Association (RVIA) label.

Through the settlement process, we have found that most Park Models have been built to the ANSI 119.5 Standard. Therefore, to date we have not had to develop a correction action plan for any specific model to bring existing units into compliance with the Standard. It should be understood that not all manufacturers have entered into settlement agreements, so there could be Park Models which were not constructed to the A119.5 Standard. We will be following up with the manufacturers to assure compliance with our current policy.

It is important that enforcement officials notify our office (609-530-8857) if units are sited which do not have the proper labels. We will investigate those instances and take appropriate action. The following list are those manufacturers that have entered into settlement agreements and will site only properly labeled units.

Coachman Industries, Inc.
Holiday Rambler, Corporation
Destiny Industries, Inc.
Woodland Park, Inc.
DNA Enterprises, Inc.
Casa Villa, Inc.
Fairmont Homes, Inc.
Country Park, Inc.
Kropp Manufacturing, Inc.
Skyline Corporation
Summerset Homes, Inc.
Pine Ridge, Inc.
Fleetwood Enterprises, Inc.
Key West Manufacturing, Inc.
Chariot Eagle, Inc.

Source: Richard Z. Osworth
Chief, Bureau of Code Services

Label Requirements for Park Models

In the most recent UCC Update, Bulletin 93-6, which covers the subject of Park Model Labels, was published. Since that publication the Park Model manufacturers have developed their own labeling program which is equivalent to the Recreation Vehicle Industry Association (RVIA) label, in that it requires compliance to the ANSI 119.5 Standard and that it includes a third-party agency review and enforcement of the Standard. Therefore, we are alerting you through this article that under the current agreement with Park Model manufacturers they can ship and site park trailers in New Jersey through October 1994 with either the RVIA or RPTIA label.

The labels used by the Associations are clearly marked and indicate the standard under which the Park Trailer was manufactured. If you have a concern about the siting of Park Trailers in your jurisdiction, feel free to contact me at 609-530-8857.

Remember that this label requirement is an interim solution and that we will be addressing the long-term issue over the next

several months, but no Park Model shall be sited after January 1, 1994 without a proper label indicating compliance with the ANSI 119.5 Standard.

Source: Richard Z. Osworth
Chief, Bureau of Code Services

Insulation Materials in Rated Floor/ Ceiling Assemblies (Wood Truss System)

Insulation materials are permitted in the UL, Warnock Hersey, Lumbermate or other rated floor/ceiling assemblies tested to ASTM E119. But they are specified to be of certain kind (mostly glass fiber or mineral wool in batt, blanket or roll form) and attached in a specified manner. In most of the rated assemblies insulation material is air separated from the gypsum board. In Lumbermate assemblies the insulation is hung by wire to maintain larger air separations from the gypsum board.

BOCA-National Building Code '93 Section 722 allows maximum flame spread ratings of 25 and 75 for thermal and sound insulation materials in exposed and concealed locations respectively. While UL/Warnock Hersey rated assemblies do not specify flame spread (must be 75 or less by code) for insulation materials, Lumbermate requires flame spread of 25 or less in their rated assemblies.

In view of the foregoing considerations, the improper installation of insulation materials in a rated floor/ceiling assembly should be treated as a code violation. Code officials should not only look for a tested assembly but also for the installation of the approved insulation materials in accordance with the fire resistance directory/listings.

If you have questions, please contact the Code Assistance Unit at (609)530-8793.

Source: Farid Ahmad, PE
Code Assistance Unit
Bureau of Technical Services

Use or Occupancy Plus

Some of the special provisions of the Building Subcode chapter 3 cause questions at times. They are the sections SPECIFIC OCCUPANCY AREAS, MIXED USE GROUPS, and ACCESSORY AREAS. They all sound so similar! But seeing how they differ is the gimmick: Pulling out the distinguishing features from the general verbiage of it all should clarify things nicely.

What the three concepts have in common is that they describe what to do when differing uses occur side by side in the same building. For simplicity, the topic of separate tenants is not part of this article.

The first distinction to make among the concepts is if a use is subordinate to another. Right away we see that in mixed uses that's not the case. But in both the Specific Occupancy and Accessory Areas it's always the case. They are clearly subordinate to a "main use group". So how do these two differ from each other?

The main difference between Specific Occupancy Areas and Accessory Areas is fire safety requirements. They are at opposite poles when it comes to that. The Specific Occupancy Areas always contain a fire hazard greater than that of the main use and require special fire protective provisions specified in Section 302.1.1 but Accessory Areas that are not of Use Group H get excused even from fire separation requirements. That's because their size is very limited and their fire hazards are relatively minimal. Nevertheless, areas that are small enough to qualify for the "accessory" designation, but contain one of those fire risks listed in Table 302.1.1 must be built as Specific Occupancy Areas. The code is silent regarding a size relationship between the main use and its Specific Occupancy Area — it's only the contents that triggers those fire protective requirements.

Thus, except for Specific Occupancy areas and accessory areas, as mentioned above, all buildings containing more than one Use Group must be designated as Mixed Use and comply with BOCA Section 313.0.

A quick check list looks like this:

MIXED USE GROUPS (fire separated or non-fire-separated)

- each use classified separately
- building designated mixed use
- rated separations unless section 313.1.1 applies

SPECIFIC OCCUPANCY AREAS

- incidental to main use
- classified according to main use
- no size relationship to main use specified
- fire safety requirements in Table 302.1.1

ACCESSORY USE AREAS

- incidental to main use
- classified according to main use
- size: maximum, 10% of main use
- no fire separation from main use (except for use group H)

Source: E. Maria Roth
Code Assistance
Bureau of Technical Services

Hottest Party of the Year

The town of 'Make-believeville' was interested in renting a hall for their St. Patrick's Day party. The mayor sent his group of inspectors to check the place out. The plumbing, heating and mechanical inspectors piled into their used police car and went to see if the hall would be just right for the party.

The plumbing inspector checked the number of bathrooms, the building inspector checked the number of exits and the mechanical official (in 'Make-believeville' they have a mechanical subcode official) checked the ventilation system. No one was

really satisfied with the facilities, but the price was right (remember, these guys are riding around in a used police car).

On the day of the party the hall was full, and each of the inspectors strategically chose his spot in the building. The plumbing inspector, knowing he would be drinking beer, and that the bathroom facilities were limited, decided to hang out by the bathrooms. The mechanical official, knowing the mayor liked to give out cigars, and since there was only one supply diffuser, decided to hang out under the diffuser. The building inspector, knowing that the mayor sometimes had too much beer and forgot where he left his cigar, decided he would hang out near the exit door.

Of course, the inevitable happened, and I'm sorry to report that the town of 'Make-believeville' is now accepting applications for new plumbing and mechanical officials. The point of the story is that while the mechanical, plumbing and building code all use the number of occupants of a building to determine the facilities a building must have, the factor of safety involved in these numbers is different.

As the plumbing and mechanical officials of 'Make-believeville' NOW know, building occupant loads are higher than the mechanical and plumbing occupant loads because they are based on more than the discomfort of the occupants; they are based on life-safety. That's why the plumbing and mechanical code occupant loads are less than those in the the building code.

The plumbing code states that when an occupant load is derived from the egress requirements of a building code, the number of occupants for plumbing purposes is permitted to be reduced to two thirds of this number. In other cases where an occupant load can be reasonably verified based on seating, etc., it is acceptable to use this "actual" number for plumbing purposes. Like the plumbing code, ASHRAE 62-89 (remember, that's what we are using) allows *either* the estimated occupancy in Table 2 or an actual number given by the designer to be used, for determining ventilation requirements.

A good example of where it is acceptable to use a reduced number of occupants is in a school or day care center. In the case of schools, class size is limited based on the teacher to student ratio. Typically, the number of students in a class room is limited to 25 with 1 teacher. It is perfectly legitimate to base mechanical and plumbing requirements on this number. Similarly, the number of children in a day care center is often limited, based on licensing by the Division of Youth and Family Services (DYFS). Again, it is perfectly legitimate to base plumbing and mechanical requirements on this number.

It is not appropriate, however, to base the egress requirements of the building code on these numbers. One-time events such as parent-teacher conferences, etc. where an elevated number of people are present can be catastrophic if exitways aren't based on the highest possible number of people present.

To sum it up, plumbing and mechanical requirements should be based on what the probable occupant load is, while building requirements must be based on what the possible (worst case scenario) occupant load is.

One final note: Next year's St. Patrick's Day party in 'Make-believeville' will be held outdoors.

Source: Michael Baier
Bureau of Technical Services

Using UCCARS

At the end of each month you should be able to compare the Permit Fee Log Report with the Cash Receipt Audit Report and account for any discrepancies between the two.

Generally the totals for both reports will be different. That is because the Miscellaneous Payments that you collect throughout the month for items other than Permit or Certificate fees (such as Elevator Inspection fees) show up only in Cash Receipts Audit Report. When you back out those figures, both reports should match.

If they do not, something was probably mistyped. Either the fee on the Permit screen did not match up with the dollar amount collected on the Payment screen; the date on the Permit screen was typed incorrectly; or the date on the Payment screen was typed incorrectly.

To find out if the fees that were entered on both screens match for all permits, simply compare both reports permit by permit.

If there is a permit missing in the Permit Fee Log Report, call it to the screen in the Enter Data section of UCCARS. If it shows up on the screen, chances are the date was entered incorrectly. Correct the date by typing over the old date, then rerun the Permit Fee Log Report.

If a payment transaction is missing from the Cash Receipts Audit Report, the Received Date has probably been mistyped on the Payment screen. When you printed the Cash Receipts Audit Report and selected 'R' for Received Date, UCCARS scanned all of the payment and adjustment records in the database and selected only those whose Received Date was within the date range you specified for the report to cover.

If for example you erroneously entered '01/06/93' instead of '01/06/94' for a particular payment, that payment will never show up in any of this year's reports. To find the missing payment record, specify that the report is to cover Posted Dates rather than Received Dates.

When you store a payment record, UCCARS automatically stores the actual time and date at which the record is being stored along with the payment information you typed on the screen. This is called the Post Date, and it comes directly from the clock built into your computer.

So if the Received Date has been mistyped on the Payment screen, you may never print out a Cash Receipts report whose date range covers the mistyped date. The way to find this missing payment record is to print out a report that selects on the Posted Dates of the payment records, and to specify a date range that covers the period during which the error was made.

Source: Stan Kosciuk
President, Municipal Information Systems

Regulations for Sheds

Many sales outlets for prefabricated or part-prefabricated storage sheds have been misinforming customers about building regulations for sheds. The prevailing story told has been that no regulations apply. And, almost as frequently, the seller or the manufacturer's printed material tells the customer that foundations to frost depth are not required. Both types of story make shoppers think that a shed project will be a Saturday morning quickie whose price consists only of the building itself. Their dismay is understandably great when they find out that the shed they've bought in response to misleading sales pitches needs, in some cases, both a permit and a foundation to frost depth.

The fact is that New Jersey has both administrative and technical regulations for sheds under certain circumstances.

Obviously, sheds must always be placed where zoning allows. Sheds requiring a building permit are those greater than l00 s.f. in size or 10' in mean height and smaller ones subject to overturning and sliding from high winds or flotation from floods. Sheds not necessarily requiring a UCC building permit are those smaller ones not subject to movement by storms or floods.

Both CABO and BOCA require building foundations to go to frost depth of the location. BOCA explains that for those smaller than 100 s.f.in size and lower than 10' mean height this is really unnecessary because frost/thaw related building damage would be negligible. It's important to remember that every part of New Jersey is subject to at least some amount of ground frost. By the way, the code reference to "mat" or "floating mat" foundations does not describe the floor systems some sheds have and therefore such floors, even with gravel beds under them, do not fulfill the frost depth requirements. Even the engineered floating mats the codes mention are only for load-spreading where soils bear poorly, and must also have frost-depth foundations. Finally, regarding anchorage, this can be just to the ground on smaller sheds where required, but must be to the foundations in the larger ones, just as in any other building. You might find the following code sections convenient references:

CABO	R-303 Footings	
BOCA	l806.0	Depth of Foootings
	1611.1.3	Overturning and Sliding
	3107.4.2	Anchorage

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

UCC Annual Report

The Department recently mailed Advisory Notice 1994-1 to all municipal construction officials. The purpose of this notice was to provide an annual report form that would enable construction officials to comply with the financial reporting requirements under NJAC 5:23-4.17(b).

Under this regulation, construction officials are required to prepare and submit to the Governing Body an annual report within 41 days after the close of the budget year. The report must detail the receipts and expenditures of the enforcing agency for the preceding budget year, and to give recommendations for fee schedule changes/staffing needs for the coming year based upon the operating expenses of the enforcing agency. Immediately upon completion a copy of the annual report must be filed with the Department.

The construction official alone is responsible for completing the annual report. In the past, many construction officials complained that information such as employee benefits and indirect costs was not available or was difficult to obtain. You will note that such information is not required on the annual report form. Benefits and indirect costs, if any, may be included by the chief financial officer on the separate budget certification form. We prepared the annual report to enable the costruction official to complete this form with minimal assistance from other municipal departments.

Some questions have arisen concerning the annual report form. We will try to answer them here:

Question: Are state training fees included on the report?
Answer: No. Only municipal fees should be included.

Question: Will employee benefits and indirect cost be included in the final accounting?
Answer: Yes. This information, if any, will be retrieved from separate documents.

Question: Should zoning and other local code enforcement programs be included on the report?
Answer: No. Non UCC programs should not be included.

Question: How do we cover private inspection agency fees/payments?
Answer: Private inspection agency fees are included as municipal fees. Private agency payments are considered expenditures. Please be aware that fees/payments may not match since fees may be received in one budget year and paid out in another.

If you have any other questions, please contact Henry Riccobene at 609/530-8838.

Source: Henry Riccobene
Bureau of Regulatory Affairs

State Training Fees to Refresh Your Memory

Most individuals involved in code enforcement know that a state training fee is collected on many permits issued. This fee is used to provide training for code officials, provide tuition remission for the community college UCC courses and even publish this newsletter. There are two types of State training fee provided for in NJAC 5:23-4.19.

New Construction and additions: The volume of new construction is computed and multiplied by $0.0016. The resulting amount is the training fee for new construction and additions. There is no additional training fee on the cost of plumbing, electrical or fire protection work.

2. Alterations: If you do not have any cubic volume the training fee is based on the cost of construction for the alteration multiplied by $0.008. The resulting amount is the training fee for alterations.

The four most common questions are:

1. Do you collect a training fee on a alteration permit with a value of construction of $500? Our answer is no. NJAC 5:23-4.17(a)1 states you may round fees to the nearest dollar. In this example you have $500 × $0.008=$0.40. Rounding to the nearest dollar you get $0. A cost of construction equal to or greater than $625 is the dividing point on when to charge a training fee for alteration.

2. Do demolition permits require a training fee? No, and this includes tank removals. Please remember that the Department considers asbestos removal, in a building that will be occupied, as an alteration not a demolition.

3. Do I charge a training fee for public buildings? If it is a public building as defined in the Uniform Construction Code Act NJSA 52:126c-12L C, the answer is no. The act says they shall not "be subject to any fee, including and surcharge or training fee...

4. Can I charge a training fee for both the new construction and alteration on the same permit? No. If it is new construction or an addition, only the training fee on volume applies. But, if an addition is being added and at the same time they do alteration work on the existing part of the structure a training fee for each type of work shall be collected. If you have questions contact me at 609-530-8797.

Source: William Hartz
Chief, Bureau of Technical Services

New Jersey Register Adoptions Spring '94

Date	Adoption
12/20/93	25 NJR 5918(a) Subcodes Adopted Amendments: NJAC 5:23-2.6, 2.14, 2.23, 3.2, 3.4, 3.8A, 3.11A, 3.14, 3.15, 3.16, 3.17, 3.18, 3.20, 3.21, 4.3A, 4A.11, and 12.2, effective 12/20/93.
	25 NJR 5927(a) Minor Work Adopted Amendment: NJAC 5:23-2.17A, effective 12/20/93.
	25 NJR 5928(a) Municipal Fees; Annual Permits Adopted Amendment: NJAC 5:23-4.18, effective 12/20/93.
1/18/94	26 NJR 352(a) Utility Load Management Device Installation Programs; Plan Review for Mausoleums; Department Fees: NJAC 23-2.18A, 3.11, and 4.20, effective 1/18/94.
2/7/94	26 NJR 796(a) NOtice of Administrative Correction Departmental Fees: NJAC 5:23-4.20.

Permit Extension Act Still in Effect!

Just a reminder!! The Permit Extension Act which became law on August 7, 1992 is still in effect. Under this law, permits granted under the State Uniform Construction Code on or after January 1, 1989 and those granted before January 1, 1989 but were valid on this date, would remain valid until December 31, 1994.

If there is any question concerning the Permit Extension Act please call the Code Assistance Unit at 609-530-8793.

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit
Bureau of Technical Services

Hurry Up! Grace Period Expired!

The grace period allowed subsequent to the adoption of the '93 Codes ('92 CABO) expired on November 1, 1993. Plans approved during the grace period under the previous code may be used for six (6) months from the date of approval for filing construction permit application.

If there is any question concerning the grace period, please call the Code Assistance Unit at (609)530-8793

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit
Bureau of Technical Services

DCA Notes

1. ***A three year construction code license?*** Recently there has been a lot of talk about extending the two year license to three years. The reason for the idea is that most model codes have gone to a three year cycle. The two issues are not really related. Although the model codes might be effective from 1993 to 1996 your code enforcement license might be 1994-97 or 1995-98.

   Could there be a negative impact? Absolutely! Many code officials have continuing education renewal problems by waiting to the last minute to take seminars. This problem would be increased with a three year license.

   We can't come up with any reason to spend money for the computer programing necessary to go to a three year license, but we would like to hear your ideas. If you have comments for or against this idea, please send them to my attention.

2. ***Renewal forms*** If your code enforcement licenses expire on July 31, 1994, your renewal form will be mailed during the

second week of May. You may check your continuing education status by calling the Education Unit at 609-530-8798. Seminars are only offered until the week of June 27. Don't wait until July to find out you need a seminar.

You do not want to pay, nor do we want to charge, a late fee. If you have not satisfied your continuing education requirement and/or have not returned your renewal form by July 31, 1994, we are required by NJAC 5:23-5.21(e)2 to collect a late renewal fee.

3. ***Future National Certification Test Dates***

Test Date	*Deadline for Registration*
August 20, 1994	July 14, 1994
November 19, 1994	October 13, 1994

Call Educational Testing Service (ETS) at 609-921-9000 for a registration form.

4. ***Interesting Numbers*** We often get calls about how many of this and that there are in code enforcement. So here are some numbers you may find interesting.

A. Municipal Classification

Class I	353	
Class II	163	
Class III	48	
Unclassified	3	
	567	Total Municipalities

B. Code enforcement licenses:

Construction Official	1,843	Total
Building Subcode Official	1,160	
Building HHS	802	
Building ICS	560	
Building RCS	806	
	2,168	Total Building Inspectors
Fire Prot. Subcode Official	841	
Fire HHS	872	
Fire ICS	234	
	1,106	Total Fire Protection Inspectors
Electrical Subcode Official	504	
Electrical HHS	608	
Electrical ICS	198	
	806	Total Electrical Inspectors
Plumbing Subcode Official	642	
Plumbing HHS	645	
Plumbing ICS	249	
	894	Total Plumbing Inspectors
Elevator Subcode Official	74	
Elevator HHS	161	
Mechanical RCS	128	

5. ***Construction Code Communicator*** This issue begins the 6th year of this publication. It has been fun to write and hopefully interesting to read. If you have any suggestions for things we could do better, or ideas we should try send them to my attention. While I'm waiting for yours, I'll give you a suggestion. Many code officials and DCA staff keep all copies of the newsletter in a binder. We do indexes for each year. Past issues can be a handy reference in coming years.

6. ***Three year codes*** For your information, the Uniform Construction Code Act was amended on December 23, 1993 to read:

"The initial adoption of a model code or standard as a subcode shall constitute adoption of subsequent edition year publications of the model code or standard organization. Adoption of the publication shall not occur more frequently than once every three years; provided, however, that a revision or amendment may be adopted at any time in the event that the commissioner finds that their exists an imminent peril to public health, safety or welfare.

What this means is that we will not adopted supplements to the adopted codes even if the model code organization publishes them. But, the DCA commissioner does have the authority to adopt a revision or amendment in the interest of public health, safety or welfare.

7. ***Good luck, Hilary*** Most of you do not know her, but you will miss her. Hilary Bruce was our program coordinator with Rutgers University. Among her many duties, she helped select and arrange continuing education seminars and served as the editor of this newsletter for five years. Hilary is moving west to greener pastures. We will miss her and wish her well.

Source: William Hartz
Chief, Bureau of Technical Services

New Jersey Manufactured Housing Association Seminar

This association will be offering a special two-day seminar on the technical knowledge and training necessary to properly install HUD homes. For registration forms call NJMHA at 609-588-9040.

Dates:	May 9 & 10, 1994
May 9	In-class training Days Inn, Bordentown, NJ
May 10	Field inspection training Cream Ridge, NJ
Cost:	$60 for both days. This is a special price for code officials. Normal non-member price is $245.

DCA has reviewed the content of this seminar and ha. awarded 1.0 CEU technical building for those licensed code officials who attend both days.

Building Safety Conference

May 11 – 13, 1994

Schedule of Events

May 11, 1994

11:00 a.m. – 4:00 p.m. - **Product Expo** - Diamond Ballrooms
4:00 p.m. – 7:00 p.m. - **Registration Open** - Convention Headquarters
6:00 p.m. – 7:30 p.m. - **Crackerbarrel** - Grand Ballroom

May 12, 1994

6:30 a.m. – 7:45 a.m. - **Breakfast** - Sultan's Feast
7:00 a.m. – 9:00 a.m. - **Registration** - Convention Headquarters
8:00 a.m. – 11:45 a.m. - **Educational Programs**
12:00 p.m. – 2:00 p.m. - **Inspector of the Year Luncheon** - Grand Ballroom
2:00 p.m. – 4:30 p.m. - **Educational Programs**
4:30 p.m. – 5:30 p.m. - **Association Meetings**

May 13, 1994

6:30 a.m. - 7:45 a.m. - **Breakfast** - Sultan's Feast (or you may use your ticket for Sultan's Feast Lunch)
8:00 a.m. - 1:00 p.m. - **Educational Programs**

Spouse's Program

May 11, 1994

4:00 p.m. – 7:00 p.m. - **Registration**
6:00 p.m. – 7:30 p.m. - **Wine & Cheese Get Acquainted Gathering**

May 12, 1994

7:00 a.m. – 9:00 a.m. - **Breakfast** - Sultan's Feast with ticket
7:00 a.m. – 9:00 a.m. - **Registration**
9:30 a.m. – 4:30 p.m. - **Cape May Trip** (Luncheon)
or
9:30 a.m. – 11:30 a.m. - **Easy Hors D'Oeuvres/ Beautiful Buffet** — Ruby Room
12:00 p.m. – 2:00 p.m. - **Inspector of the Year Luncheon**

May 13, 1994

7:00 a.m. – 9:00 a.m. - **Breakfast** - Sultan's Feast with ticket
9:30 a.m. – 11:30 a.m. - **Jersey Devil Lives Here: Folklore, Fact or Fiction** — Tiara B

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

Product Expo

At the 1994 Building Safety Conference we will be trying a new idea — a product expo. The Product Expo will be held the first day of the conference May 11, 1994 from 11 a.m. to 4 p.m. Vendors of new and innovative products will be available to explain how their products perform. The Product Expo is not an endorsement of products by DCA, but only a means to help the inspector make an informal decision. Below is a list of Vendors and the products they will display:

VENDOR	PRODUCT(S)
1. Bussman Fuse	Fuses, fuse holder and disconnect switches
2. Celotex Corp.	Thermax, Tuff-R, Tuff Wrap
3. U.S. Gypsum	Area Seperation Wall System, Durock Cement Board
4. N.J. Propane Gas	Propane Gas Installation
5. Trus Joist MacMillan	Engineered Wood Products
6. SAFTI	Fire Rated Glass
7. Barrier Technology	Blazeguard
8. SNSA	Software Programs For Code Enforcement
9. Automatic Switch Co.	Automatic Transfer Switch; Elevator Remote Controls
10. MIS	Computer Hardware/Software For Code Enforcement
11. Solite Corporation	Structural Lightweight Concrete
12. N.E. Polymer Assoc.	ICPA Plumbing Products, Cast Polymer Products
13. Altherm	Titeflex
14. Moen	Faucets and Sinks
15. Window Systems	Replacement Windows With Safety Features
16. 3M Company	Firestopping materials
17. Aqua Glass Corp.	Speical Care Unit w/ Whirlpool
18. General Plumbing Supply	Lasco Freedom Line
19. Construction Bookstore	Technical Books, Codes, Regulations
20. Z Flex	Chimney Liners-Flex Vent Connectors
21. BARCO Systems	Underground Storage Tank Services
22. Rinnal America	Gas Space Heaters Vented/Unvented
23. Primary Sales	Anti-Scald Mixing Valves; Water Heaters
24. Hickson Corp.	Dricon
25. Env. Tank System	ConVault Aboveground Tanks
26. PSE&G	Gas Safety
27. Eastern Dist.	Tyvek
28. EPVA	ADA Compliance
29. Cooper Industries	Haz. Area Electrical Equipment
30. W.R. Grace	Monokote Fireproofing
31. PermEntry Co.	Basement Entry Systems
32. JB Engineering	Studor Air Admittance Valves
33. Monitor Products	Direct Vented Heating Systems
34. Isolatek, Int.	Sprayed Fireproofing; Firestopping
35. Georgia Pacific Corp.	Engineered Lumber
36. Flex L	Flexible Alum. Gas Relining Kit
37. N.S.P.C.	National Standard Plumbing Code Materials
38. Southern Forest Products	Southern Pine Lumber
39. Wheelock	Life Safety, Fire Alarm Systems
40. Louisiana Pacific	Fiberboard, Inner Seal Flooring

Source: William Hartz
Chief, Bureau of Technical Services

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Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 6 Number 2

Summer 1994

Building Safety Conference — 1994

This conference just seems to get better and better. Almost everyone who attended this year said it was by far the best conference.

New ideas that were explored this year were well received. About 300 inspectors attended the 1st Product Expo and plans to improve it next year are already underway. Breakfast was provided both days, and food is always a hit.

The 24 training programs and the "Crackerbarrel" were the highlights of the educational portions of the program. Every program received a "good" to "excellent" rating.

The highlight of the conference — as always— was when 600 inspectors attended the Inspector of the Year Luncheon. For 1994 the recipients of these awards were:

Fire Protection Inspector:	Thomas P. Pizzano Millburn Township
Plumbing Inspector:	Jerome Shaw, Sr. Township of Union
Building Inspector:	Arthur Bavosi Piscataway Township
Electrical Inspector:	Joseph Bevacqua Township of East Brunswick Mine Hill Township.

Congratulations to these four individuals!!

They are the Best of the Best!

[Please turn to the center of this newsletter for photos of the Inspectors of the Year.]

Source: William Hartz, Chief
Bureau of Technical Services

Homeowners and the Unlicensed Plumber

It seems that lately the most common question in Regulatory Affairs and Code Assistance is "The homeowner took out the permit to do the plumbing work, but I think he is using an unlicensed plumber. What should I do?"

This is not an easy question for the code official. Both the plumbing contractor's law and the UCC allow an exemption for a homeowner to do plumbing work on his or her single family owner occupied residence. The problem is enforcement.

We all know that some contractors will tell the homeowner "I can save you money if you take out the permit." In most cases the homeowner is not aware that he or she is about to violate the Uniform Construction Code. What should the code official do?

Two years ago I addressed this issue, but some items are worth repeating.

1. If plans are required, the homeowner must check Section B in the Certification in Lieu of Oath that he or she prepared the plans. If the plans are not satisfactory, do not approve them; you are not obligated to help the homeowner prepare the plans. If the plans are very bad, you may suggest contacting a licensed plumber.

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2. If there are no plans, or if they are approved, the homeowner must check Box C4 in the same certification that says he or she will *perform* the plumbing work. This is different from supervising the work.

   Please do not threaten the homeowner, but he or she should be aware that anyone who has submitted a false certification is subject to a penalty (NJAC 5:23-2.31(b)iv).

3. If you as an inspector go to the job site to do an inspection, and you find an unlicensed plumber doing the work and the homeowner is not there, you may choose any or all of the following actions, prioritized here in accordance with the Department's policy:

   a. Be sure all work is inspected to code.

   b. Notify the Board of Master Plumbers concerning an unlicensed person performing plumbing work. You must notify the Board in writing and the Board has the right to charge the person working as an unlicensed plumber with a disorderly persons offense and issue a penalty of up to $2,500. Write to:

      Ms. Christine DeGregorio
      Executive Director
      Board of Examiners of Master Plumbers
      P.O. Box 45008
      Newark, NJ 07101
      FAX # 201/648-3536

   c. Issue a notice of violation and stop the plumbing portion of the work.

   d. Issue a penalty to the homeowner for the false certification to your office.

Again, this is not an easy issue. I have heard things like "I give them a test, and if they can't pass I don't give them a permit" or "a woman came in for the plumbing permit and I know she can't do this work." Do not put yourself or your municipality in this situation.

Your job, as a code official, is to be sure that the construction work is installed or built to code whether it is done by a licensed contractor or the homeowner. You are not an investigator for any licensing boards, and the Department does not expect you to investigate every time you get a phone call about an unlicensed plumber doing work. But, if during the normal course of your work you do discover an unlicensed person doing plumbing work, at a minimum this should be reported in writing to the Board of Master Plumbers.

Source: William Hartz
Chief, Bureau of Technical Services

Existing Elevator Devices and Retrofits

This article is to restate the Elevator Safety Unit's position regarding the issue of the elevator inspections entering the area of retrofit. The Elevator Subcode, as adopted, is not a retrofit code. The Subchapter 12 of the Uniform Construction Code requires that all applicable routine and periodic tests and inspections on existing elevator devices shall be in accordance with the most recent edition of ASME A17.1 referenced in the building subcode. As per the ANSI A17.1 code Part 10, Section 1000, Rule 1000.2, Applicability of Inspection and Test Requirements, inspections and tests are to determine that the equipment conforms with the applicable code provisions at the time of installation and any alteration. Prior to an elevator inspection, the applicable code is determined and becomes the basis under which the device is inspected. Thus, if an item was required under the code of installation or alteration, but for some reason is not operational or present, it is required that the subcode official and inspector inform the owner through a violation that this item be corrected. If this appears as retrofit, it is not. Retrofit is when all devices are required to comply with the current code. This clearly is not the scope of the Uniform Construction Code.

I would like to clarify another common misconception that the violations requiring installation of "means" which shall automatically disconnect the main line power supply to affected elevator(s) prior to application of water when the fire suppression system installed in the elevator machine rooms, machinery spaces, and hoistways are considered as retrofit requirements.

Requirements for sprinkler systems in the aforementioned areas are stipulated in the New Jersey Uniform Construction Code (UCC) and the Uniform Fire Code. The automatic fire suppression systems are required to be installed in accordance with the UCC. Also, they are required to be in compliance with the applicable requirements of the codes in effect at the time when the construction permit to install fire suppression systems was issued. The ASME A17.1 code is one of the codes that is referenced by the UCC with which compliance is required. Therefore, fire suppression systems and their installation shall be in compliance with the requirements of the A17.1 code in effect at the time when the construction permit to install a fire suppression system was issued. Thus, if the ASME A17.1 code in effect required the installation of the aforementioned "means" there shall be compliance with that requirement. If not, then the relevant violation shall be cited by the elevator inspector.

For example, the construction permit to install a sprinkler system was taken out in March 1987, and the ASME A17.1-1984 code edition was in effect at that time, therefore, installation of sprinkler protection in elevator machine rooms, machinery spaces,

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and hoistways shall include a "means" to disconnect power in order to comply with the applicable requirements of A17.1-1984 code. This clearly is not a retrofit.

The Department recognizes that a related issue to this code requirement is the possible entrapment of individuals or firefighters when the electricity is abruptly disconnected. Bulletin 94-2, soon to be published, discusses in detail the option that a system could be installed which allows for the device to return to a floor and open its doors before the power is disconnected. This alternative is to minimize entrapment, but the system must comply with code reguirements such as disconnection of power independent of the elevator controls and activation only when the device is in motion.

A brief history of the requirement to disconnect the main line power supply to the affected elevator prior to the application of water: The requirement was first introduced in the ASME A17.1-1984 code edition and was adopted by the UCC as of April 1, 1985. This requirement was selected (reworded in the performance language) and approved by the ASME A17 committee as the most acceptable out of three options recommended by the National Fire Sprinkler Association (NFSA then known as the National Automatic Sprinkler and Fire Control Association Inc.) after the NFSA reviewed the potential hazardous effects of water on brakes, motors, generators, transformers, shorting of elevator safety circuits, etc.

Source: Paulina Caploon
Bureau of Code Services
Elevator Safety Unit

Well Closure

In November 1993 letters were sent to all construction officials concerning the proper procedures for the closure of wells, especially when a permit is issued for connection to a public water supply.

I just want to tell you the system is working. I know there are times when it seems that many of the regulations we enforce belong to DEPE. But the protection of the drinking water and underground aquifers is of vital importance to all of us.

DEPE has received hundreds of referrals from the code enforcement offices due to failure to receive proper notification of well closure. It is now their job to follow up on these referrals and ensure that their regulations are enforced.

Thank you! This is an excellent example of cooperation in government to protect the health and welfare of the citizens of New Jersey.

Source: William Hartz
Chief, Bureau of Technical Services

ISSUES: Gas Appliances

Recently staff members from the Department met with the various utilities to discuss problems that both groups encounter in code enforcement. Among the utilities' "Top 3 Pet Peeves" were the following:

To "B" or Not to "B": "B" label vents are not factory built chimneys, nor are they metal chimneys. Therefore, the termination rules contained in M-1205.2.3 and M-1211.1 do not apply to "B" label vents. Rather, as stated in M-1204.3, these vents are installed in accordance with manufacturer's installation instructions. So the 3 foot minimum height above the roof and the 2 feet higher than any projection within 10 feet rules are not applicable.

Sticky Situations: The gas utilities are still having trouble finding our gas piping inspection stickers. Please try to refrain from putting the sticker in a location other than what was described in Bulletin 90-5, namely, on the stub out to the meter bar.

This Is Not a Test: Two problems with the gas piping test were discussed. The first relates to inspectors simply looking at the pressure gauge on the exterior of the building. Please go into the building when witnessing a pressure test to make sure that the entire piping system to be approved is subjected to the test. The second issue concerns the pressure involved in the test. Believe it or not, in this case more isn't necessarily better. 40, 50, 60 lb., etc. gas tests are not required by code and are not advisable as they can damage the valves, regulators, etc. Section M-815.1 refers to NFiPA 54 for testing procedure. According to NFiPA 54 (4.1.4), test pressure should be 1 1/2 times the working pressure, but not less that 3 psig. So, for 1/2 lb. systems, a 3 lb. test is all that is required. For 2 lb. systems, a 3 lb. test is also acceptable.

Source: Michael Baier
Bureau of Technical Services
Code Assistance Unit

Notching the Roof Trusses

The most common roof truss is an isosceles triangle. Roofing materials are attached to the rafters on top chords (sloping) of trusses. Ceiling materials are fastened to the ceiling joists or bottom truss chords (horizontal). In a single member roof, support must be provided at both ends by walls or beams. In the triangular roof, the ceiling joists require intermediate bearing support within the house, but the roof rafters usually do not. The rafters tend to push out at the bottom under the roof load and hence are securely fastened to the ceiling joists.

Trusses should be designed by design professionals. The design takes into consideration all the loadings such as snow, wind, roof and ceiling materials, species of wood, shape, span, joints, and bearing supports.

Roofs can either be framed on site using rafters and ceiling joists or built using pre-built trusses. Though problems of cutting and notching generally arise with any trussed roof, they are predominant in pre-built trusses. Cooperations among the building and truss design professionals and the installers of HVAC and plumbing systems are minimal. Pre-built trusses are frequently cut and notched improperly without following the code prescribed

(Continued on page 4)

(Continued from page 3)
procedure or the recommendations of the manufacturer. This destroys the integrity of the trusses and probably voids the warranty of the manufacturers. Code officials should carefully inspect the trusses during the framing inspection.

The problem, however, needs to be "nipped in the bud." Both the building and truss design professionals should be aware of the plumbing and HVAC pipe and duct runs. They should develop better communication at the design stages of the project. Both should concur in case of design modifications or field adjustments.

We have advised the instructors teaching DCA seminars on trusses to highlight the problem areas as well as the use of correct trusses in a specific location. If there are any questions, please call the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, PE
Code Assistance Unit
Bureau of Technical Services

Goldie Locks Saves the 3 Bears from Certain Asphyxiation

The last time we saw Goldie Locks, she was a mere child being chased around by 3 bears (and no, Mike Baier wasn't one of them, and besides, it's pronounced BUYER).

But, alas, Goldie has grown up and is now an appliance installer. As we peek in on Goldie Locks, she is attempting to connect a furnace to one of three vent pipes in the 3 bears' house. The first vent pipe was toooooo small, the second vent pipe was toooooo big, but the third vent pipe was just right.

At one point we were simply worried about vent pipes being big enough but as technology has progressed, we are now worried about vents being too big. Vent pipes for new Federally mandated mid-efficiency appliances have to be 'just right'! When a vent pipe is too small there isn't sufficient area to vent the products of combustion. When a vent pipe is too big it will be subject to excessive condensation. The corrosive nature of this condensate will cause the vent pipe to deteriorate.

This issue, as well as the dangers associated with vents and chimneys that don't function properly have led to increased concern about using existing chimneys and vents when appliances are being replaced. You have probably seen some articles recently on the subject. An article called "Carbon Monoxide — The Silent Killer" appeared in the March/April 1993 issue of *BOCA Magazine* and an article "Danger Lurks in Local Neighborhoods: Dangers of Carbon Monoxide," written by George E. Lucia and Tricia Branley of Hillsboro, appeared in the February 1994 issue of *New Jersey Municipalities* Magazine. Both of these articles are worth reading.

Some questions officials should ask when an applicant is proposing to use an existing chimney or vent with a replacement appliance are:

1. Is the chimney/vent clear and free of obstructions?
2. Is the chimney lined, and is the liner in good condition?
3. Is the chimney/vent size appropriate for the new appliance?

Often it is not possible for the inspector to see the inside of the flue or chimney. In most cases, an inspection is done after the new appliance is installed. For this reason getting some certification about existing conditions from the installer probably makes sense. In addition, a spill test performed by the contractor should be performed. If possible, this spill test should be witnessed.

We now return to Goldie Locks, who has just completed the furnace installation in the 3 bears' house. The 3 bears are so happy with the installation that they don't chase Goldie Locks out of the house, but rather, invite her to sit down and have porridge with them. And they all lived happily ever after — until the bears got the bill. Papa Bear thinks Goldie Locks' prices are toooooo high!

The End.

Source: Michael Baier
Bureau of Technical Services-Code Assistance Unit

DCA NOTE: *The following letter was received at DCA and we agree with the content. We urge all building inspectors to pay particular attention to this issue. If you have questions concerning this issue call the Code Assistance Unit at 609/530-8793.*

Roofing Code Violations

This winter I was innundated with calls about roof leaks which were caused by ice dams. A large percentage of the roofs I inspected were installed within the past five years. The most common areas of the BOCA National Building Code that weren't adhered to were (section numbers refer to the 1993 code for quick reference):

1. Asphalt shingles were installed on slopes below 2:12 and one ply of underlayment was used on slopes below 4:12 (Section 1507.2.3).
2. No ice shields were installed at eave edges and changes of roof slope (Section 1507.2).
3. No flashing was installed where shingles abut a wall (Section 1508).

I realize that the first half of Section 1507.2 covering steep slope roof coverings (usually greater than 2:12) is a grey area of the code, but the second half of the section states that where there is a possibility of ice forming along the eaves causing a back-up of water, an ice shield shall extend from the eave's edge to a point at least 24" inside the exterior wall line of the building. In my opinion, this past winter has proven without a doubt that there is indeed a possibility of ice forming along the eave's edge causing a back-up of water in the State of New Jersey.

The removal and replacement of more than 25 percent of the roofing in a one- and two-family dwelling used to be a minor work under the UCC. In many instances contractors failed to comply with the code and the code officials were asked to inspect the roofing job when it was complete. Recently the regulations have been amended to overcome this problem. Nevertheless, the code official's job would be far easier while inspecting both new roof or re-roofing work if each code enforcement office provides a typed

standard sheet stating when ice shields are required, when two-ply underlayment is required, and that shingles are prohibited on roof slopes below 2:12 pitch. I think it would give roofers and remodelers the guidance that they seem to need.

Until I invested three years into schooling, I didn't know very much about the building code either. If contractors who perform residential work were required to pass a minimum of an RCS Course as a prerequisite for a State license, I feel the code officals job would be much easier. It would also weed out the undesirables that give our trade a bad name.

Source: A.L. Bouchard
A.L. Bouchard Co.

Nonregistered Buildings/Elevator Devices

The Elevator Safety Unit (ESU) estimates that there are approximately 2000 buildings that are not registered with the Department. Part of this problem, we believe, is the absence of a clear outline of responsibilities for municipal officials to follow. To clarify these responsibilities, the following delineation is provided:

For every nonregistered device located within the municipality the Construction Official shall submit to the Department the name and mailing address of the owner or owner's representative of the building, and the street address, including lot and block number, where the device is located [NJAC 5:23-12.4(d)].

The elevator inspector shall inspect a device not registered with the Department and shall cite a consequent violation requiring the Owner to register the building/device on the Notice of Violation and Order to Terminate. The elevator inspector shall notify the municipal Construction Official (and also the Elevator Safety Unit) so that appropriate actions shall be taken.

The Construction Official shall issue an Order to Pay Penalty and shall post the building in accordance with NJAC 5:23-2.32(a)4 when, during the following first cyclical inspection, the inspector finds that the building/device remains unregistered. Upon refusal or neglect to comply with the requirements of the order, the Construction Official shall forward the matter to the legal counsel of the jurisdiction for an action to compel compliance [NJAC 5:23-2.32(a)5].

The ESU will provide every six months to the Construction Officials a listing of registered buildings/devices located in the municipality along with the listing of Notices and Applications requiring to register (NAPS). The listing of registered building/devices will identify the type of ownership for only those buildings that are not under the jurisdiction of the municipality (i.e., Federal, State, or Rutgers owned buildings). The identification will be located directly under the registration number. The listing provided is not definitive, since all devices which are located in a registered building may not have been registered and the NAPS' listing includes only those buildings of which the ESU has been made aware. It is important that these lists be reviewed on a regular bases to assure that all devices are registered or brought to the ESU's attention.

The Construction Official shall immediately notify the ESU of any discrepancies in the listings provided, including but not limited to changes of ownership.

Source: Paulina Caploon
Bureau of Code Services
Elevator Safety Unit

Alterations for Access

The Americans with Disabilities Act (ADA) requires that building owners improve access to their buildings. The decision to undertake a construction project to remove barriers to access is the building owner's decision. When a building owner undertakes the project, work that requires a permit must comply with the Barrier Free Subcode. Also, a project undertaken solely to improve access does not trigger the requirements of other codes.

Source: Emily Templeton
Code Development

First Annual Product Expo

Our first attempt at a "Product Expo" went fairly well. It certainly was a learning experience. Most of the 45 vendors who had products to display said it met their expectations and they will return next year.

We will make some changes for next year. The Expo will take place after registration and be only 4 hours long — from 2 p.m. to 6 p.m. on May 3. It will be held in the Grand Ballroom and be expanded to 60 vendors.

If you didn't attend this year, you missed an excellent opportunity. Plan to be there in 1995.

NOTE: Any vendors that would like information about participating in the 1995 Product Expo should notify us in writing at:

Building Safety Conference of N.J.
Post Office Box 6604
Lawrenceville, NJ 08648

Source: William Hartz
Chief, Bureau of Technical Services





Thomas P. Pizzano *(left)*, Fire Protection Inspector of the Year, with Raymond Welch *(right)*, President of the New Jersey Fire Prevention and Protection Association.

Fire Protection

13th Annual Building Safety Conference

Plumbing



Rene Campomizzi *(left)*, President of the New Jersey State Plumbing Inspectors Association, and Jerome Shaw, Sr., Plumbing Inspector of the Year.



Joseph Montemarano *(left)*, President of the Building Officials Assocation of New Jersey, with Arthur Bavosi *(right)*, Building Inspector of the Year.

Building

Inspectors of the Year 1994 — The "Best of the the Best"

Electrical



Victor V. Timpanaro *(left)*, President of the Municipal Electrical Inspectors' Association, with Joseph J. Bevacqua, Electrical Inspector of the Year.

Building Safety Conference — 1995
Plan Now!

Arrangements are already under way for the 1995 Building Safety Conference. Plan now to attend. The fee will be $45, for early registration.

This includes:

1. 2nd Annual Product Expo	May 3, 2:00 – 6:00 p.m.
2. Crackerbarrel Discussion	May 3, 6:00 - 7:30 p.m.
3. Breakfast at Sultan's Feast	May 4, 6:00 - 7:45 a.m.
4. Training Programs	May 4, 8:00 - 4:30 p.m.
5. Inspector of the Year Luncheon	May 4, 12:00 - 2:00 p.m.
6. Breakfast at Sultan's Feast	May 5, 6:00 - 7:45 a.m.
7. Training Programs	May 5, 8:00 - 1:00 p.m.

This conference, the largest training program for code officials, will again be at the Taj Mahal in Atlantic City. The room rate for the 1995 conference will be $90 per night, single or double occupancy.

Source: William Hartz
Chief, Bureau of Technical Services

What's Happening with Barrier Free?

Recently, I have received questions on whether the Department intends to amend the Barrier Free Subcode (BFSC) to match the provisions of the federal Americans with Disabilities Act (ADA). The answer is yes. We have prepared a rule proposal to delete the Barrier Free Subcode (from NJAC 5:23-7.1 through 7.99) and to adopt in its place Chapter 11, Accessibility, in the BOCA 1993 Building Code and CABO/ANSI A117.1 as the technical standard for accessible design. The proposal will be published in the *New Jersey Register* on June 3. There will be a public comment period, and a public hearing will be held at 3131 Princeton Pike, Building 3, Lawrenceville, on September 16 at 10:00 a.m. Once the comment period is over, the comments will be reviewed and decisions will be made regarding each one. Then the rule adoption will be published in the *New Jersey Register*. The six month grace period that normally applies upon the adoption of a revised rule will apply to the adoption of this rule.

What applies in the meantime? In February 1992, Charles Decker wrote a letter to all construction officials describing the three relationships between the ADA building requirements and the BFSC construction regulations and giving guidance on each. The guidelines that were established in that letter are still valid and will remain so until the amended BFSC is adopted.

In a nutshell, the three relationships are: (1) when the ADA is more stringent, in which case the code official can allow compliance with the ADA, but only upon request; (2) when the BFSC is more stringent, in which case the code official cannot allow compliance with the ADA; and (3) when there is a dimensional conflict between the requirements of the ADA and the rules of the BFSC, in which case, if the building owner asks to use the dimension in the ADA, the code official should allow it, but should require a variation.

There are two basic rules of thumb to follow when faced with a BFSC - ADA issue. (1) The code official enforces the BFSC; the code official does not enforce the ADA. (2) The code official can allow compliance with the ADA only upon request and then only when the ADA is more stringent than the BFSC or when there is a dimensional conflict that is not a stringency issue.

Remember, if you have questions about BFSC requirements, call Code Assistance at 609/530-8793. If you have questions about the relationship of the BFSC and the ADA, call me at 609/530-8789.

Source: Emily Templeton
Code Development

Lead-Based Paint — The Scoop

History

You may have read about lead hazards recently. Lead, a versatile material, has been used extensively in many products, including those used in construction , such as paint and pigments, varnishes, piping, and solder. While the use of lead-based paint in residences has been banned since 1978, and lead-based plumbing supplies have been banned since 1986, many older residences and other buildings contain substantial amounts of lead. Lead, also used in cans, and in gasoline, batteries, pesticides, ceramincs, and imported, painted toys and household products, can be found in some concentration in many water supplies, in air, and in soil.

DCA Role Now

Many home painting and remodeling projects will involve the disturbance of lead-based paint. The DCA is currently preparing an informational brochure which construction officials will be required to distribute to permit applicants, and which can be distributed to the general public when questions arise. The brochure will provide basic information to homeowners about lead and lead-based paint hazards, including some work practices to ensure safety. It also will provide phone numbers for other sources of information. The brochure is the result of DCA's new responsibility, under law, to inform people about lead hazards.

Future Role of DCA

Last December, New Jersey passed a law requiring training and certification for individuals and businesses which evaluate lead hazards and perform abatement (P.L. 1993, ch. 288, 12-16-93). Later this year the DCA will be writing regulations to license contractors and the Department of Health will be writing training and education requirements. The Department of Labor will also play a role in lead abatement regulation. Eventually, lead abatement in New Jersey will require trained and certified people who obtain permits from an official prior to commencement of work.

There will be regulations controlling work practices. New federal EPA regulations concerning lead are also expected to be published this year. An existing federal law already mandates that beginning October 1995, landlords and sellers of residences built prior to 1978 must disclose the presence of known lead hazards to renters and buyers. In the future there will be more inspections for lead materials and testing before properties are sold or leased.

Hazards

There have long been health regulations in New Jersey which require lead abatement if children are found to be poisoned by lead. Lead poisoning is best detected by a blood test. While adults can suffer from lead poisoning, children, especially those under the age of 6, and pregnant women are particularly susceptible to lead hazards. Prior to age 6, the developing nervous system can be permantly damaged by exposure to lead. Toddlers' teething and play habits increase their likelihood of ingesting not just paint chips, but lead dust as well. Adults will ordinarily excrete much of the lead they inhale or ingest; however, prolonged exposure to large amounts of environmental lead can lead to symptoms such as fatigue, nausea, nervous disorders, possible blood pressure elevation, reproductive problems, kidney impairment, and even fatalities. New OSHA requirements enacted in June 1993 require that painters and general construction workers take more precautions and monitor their exposure more closely. The focus on all the new requirements is to prevent lead poisoning from occurring, instead of, as in the past, responding to medical problems and abating buildings after poisoning has occurred.

You will be notified when the DCA publishes new regulations. Questions may be addressed to the Asbestos Hazard Abatement Unit at 609/530-8812.

Source: Chrystene Wyluda
Supervisor, Asbestos Hazard Abatement Unit

Lighting Energy Subcode — Now and in the Future

The current lighting Energy Subcode (5:23-3.18) has adopted the Illuminating Engineering Society of N. A. standard LEM-1, 1982, for determining the allowable lighting energy budget, in watts, for a new or renovated building. The energy allocation for each interior space is based upon:

- tasks performed,
- number of occupants performing each task,
- the size and shape of space or room, and
- the allowable lighting Unit Power Density (UPD) allocated for each of the tasks.

Exterior lighting budget allocations are dependent upon:

- the building's gross floor area,
- building exterior features, e.g., provision for facade lighting,
- building entries and exits,
- number of parking stalls,
- area of parking feeders, and
- exterior storage areas.

The standard is not a lighting design procedure. Although it may be convenient to understand lighting system design, it is not needed to determine whether a facility being designed complies with the Subcode.

Compliance

In order for a facility to comply with the lighting Energy Subcode, the lighting designer should be able to submit completed LEM-1 forms listing the allowable power for each space. Compliance will be based upon whether the entire facility complies, even though some spaces may exceed their budget allowances.

In addition to the LEM-1 forms, the designer should submit a tabulation listing each space as it appears on the corresponding LEM-1 form. Preferably this list would include

- lamp, fixture, ballast, and transformer data,
- fixture wattage consumption,
- total number of each type of fixture,
- total wattage consumed by all fixtures in the space, and
- the corresponding LEM-1 power for the space.

The Time Perspective

The first lighting energy budget criteria issued by the NJ Department of Energy (DOE) became effective on February 1, 1979, in response to 1978 Federal and State legislation. The method had prescribed a UPD method that had not included lighting criteria for exterior spaces. In May 1982 the DOE published a second set of handbooks that clarified the 1979 criteria. In August 1984 the Subcode was amended to adopt LEM-1 as the standard. When the Energy Subcode was amended in 1987, LEM-1 was continued as part of the model code of BOCA Code of 1984.

Changes in the Energy Subcode can be anticipated because of the most recent Federal energy legislation. The Energy Policy Act of 1992 (EPACT) requires that all states adopt ASHRAE/IES 90.1, 1989, for determining the HVAC and lighting energy budgets for new buildings, except for those states that have adopted budgets that result in greater energy savings. The basic lighting criteria defined by ASHRAE/IES 90.1 is more stringent than LEM-1; however, it provides for higher UPDs where energy saving controls such as occupancy sensors and photosensor dimming systems are utilized.

Stay tuned to the DCA for more on this continuing story.

Standard Availability

Both LEM-1, 1982, and ASHRAE/IES 90.1, 1989, can be obtained from the Illuminating Engineering Society, 120 Wall Street, 17th Floor, New York, NY 10005. Telephone: 212/248-5000.

Source: William J. Lally, P.E.

FTO-2

Is FTO-2 still valid? Yes.

Recently, the Department has learned that there have been questions about the effectiveness of FTO-2, which allows child care centers in B use buildings. Although BOCA has been amended to eliminate B use buildings as child care centers and although the Division of Youth and Family Services' (DYFS) rules for child care centers have recently been amended to exclude the use of B use buildings, FTO-2, which was promulgated with the agreement of DYFS, remains effective until replaced.

We have been working with all of the licensing divisions in the Department of Human Services (DHS), including DYFS, the Division of Developmental Disabilities (DDD), and the Division of Mental Health and Hospitals (DMHH), to devise a Formal Technical Opinion (FTO) that addresses residental programs with a separate FTO for day care programs. Once the revised documents are reviewed and approved, they will be published. At that time, FTO-2 will be withdrawn. Until that time, FTO-2 remains effective.

Source: Emily Templeton
Code Development

Department of Health and Local Responsibility

The Bureau has become aware of some confusion regarding local enforcing agency responsibility for plan review and permit issuance for projects requiring a Department of Health (DOH) approval.

NJAC 5:23-3.11A states that the DOH is the sole plan review agency for all health care facilities. Some code officials believe they have the authority to review plans after release by the DOH. This is incorrect, as the DOH is solely responsible for the review. Hence, no delay in issuing the construction permits for these facilities is warranted.

Code officials frequently telephone the Bureau complaining of what they consider BOCA code violations. It must be understood that the DOH reviews under a different set of standards: some Federal regulations and NFPA 101, as well as BOCA. It is clearly not inappropriate to contact the DOH if you have a question regarding a code issue; however, this still should not delay the permit process. The ultimate decision on code issues remains the responsibility of the Department of Health.

Source: Gerald Grayce
Bureau of Regulatory Affairs

Safety First in the City of Linden

The city of Linden, under the direction of Thomas Caverly, Construction Official, joined with many other state and local governments across the country during the week of April 11–15, 1994, to celebrate Building Safety Week. A week-long celebration included a proclamation from city council, a poster contest bringing awareness to the middle school students, coffee and danish for homeowners and contractors every morning during the week, and a special luncheon. Local and state representatives attended the luncheon.

The city of Linden urged all citizens to recognize the importance of modern construction codes and the vital contributions rendered by the dedicated individuals who administer them locally and throughout the state.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

New Jersey Register Adoptions Summer 1994

Date	Adoption
2/22/94	26 NJR 1073(a) Industrialized/Modular Buildings
	Adopted Amendments: NJAC 5:23-1.1, 2.22, 3.11, 4.1, 4.18, 4.20, 4.24, 4.26, and 4A.1.
	Adopted Repeals: NJAC 5:23-4.22, 4.29, 4.31, 4.39, 4A.13 through 4A.27.
	Adopted New Rules NJAC 5:23-4B and 4C.
	Adopted Repeals and New Rules: NJAC 5:23-4A.2 through 4A.5 and 4A.7 through 4A.12, effective 2/22/94.
4/4/94	26 NJR 1495(a) Notice of Administrative Correction.
	Licensing of Code Enforcement Officials, General License Requirements NJAC 5:23-5.5.

Source: E. Maria Roth
Code Specialist

Using UCCARS

Some of the more frequently asked support questions involve partial releases.

Partial-release permits typically start with footings and foundations. So, when an applicant needs a permit to be issued for only the footing/foundation portion of the project, this is what to do.

First and most importantly, enter the partial permit as New Construction. This may sound elementary, but often footings and foundations, if being permitted by themselves, are not considered as being the New Construction project but rather as an Alteration to the ultimate overall project. This is not correct — they must be entered as New Construction.

Now that we have entered the first part of the project as New, UCCARS will require that we enter Square Footage and Volume. Here's the other tricky part: Do not enter the square footage and

volume for the entire building, since you are not yet permitting the entire building. For this portion of the permit, enter only the square footage and volume that corresponds to the specific work currently being permitted. In other words, at this point calculate the square footage and volume only for the footings and foundations. The rest of the square footage and volume for the remainder of the structure will be entered into UCCARS when you issue the permit for it, which will be via a permit update.

Other not-so-obvious data that must be entered as part of the initial footing/foundation permit are the number of Housing Units gained if the permit is for residential construction, as well as Use Group and Federal Census Number. Remember that all the data you are entering for this initial permit reflect on the overall permit, which in this example is for a new house. And tailor this initial permit to the amount of construction activity you are allowing for this phase of construction by entering the square footage, volume, and cost of construction that correspond only to the footing/foundation portion of the project. The rest of the square footage, volume, and cost (as well as permit fees) will be entered on the permit update that will be issued later for the rest of the house.

Again, many UCCARS users issue the initial permit as an Alteration, figuring there is no building being constructed yet so they cannot call it New Construction. Then when the time comes to issue the rest of the permit and it is entered as a Permit Update, they find that they are stuck — they cannot enter the Update as New Construction if they entered the base permit as an Alteration.

Remember that the Type of Work (New, Addition, Alteration, Demolition) that is entered in the base permit is automatically carried through into all permit updates. Therefore, if the overall project is for a new building, the initial permit issued even if it in only for footing/foundation work must be logged in as New Construction.

The above procedure works equally well regardless of whether you are using System I or System II.

Source: Stan Kosciuk
President, Municipal Information Systems

Watch for your
Fall Education Seminars brochure
in early July.



Construction Code Communicator

NEW JERSEY UNIFORM CONSTRUCTION CODE

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 6 Number 3

Fall 1994

On-Site Agency Rules: Construction Official Responsibilities

As of January 1, 1995, new regulations will require municipalities choosing to utilize the services of private on-site inspection and plan review agencies to select the agencies by competitive bidding. Until then, the present rules and procedures—old regulations—(*N.J.A.C.* 5:23-4.5A) will apply.

As a rule of thumb, if any request for proposal (RFP) is issued to authorized on-site agencies during 1994, the old regulations and its requirements must be followed. The contract approved as a result of the RFP must also meet the requirements of the old system, even if the effective date is on or after January 1, 1995.

If the RFP is issued in 1995, the new regulations must be applied. They include rules for competitive bidding, qualification statements, and other new requirements. Resulting contracts must set forth the specific amounts to be paid by the municipality to the private agency [*N.J.A.C.* 5:23-4.5A(i)] and provide that amounts due to the agencies will be paid as stipulated in *N.J.A.C.* 5:23-4.5A(j)1 through 5.

Municipalities having contract expiration dates at or near the beginning of 1995 and who want to use the new system may make an acting appointment as per *N.J.A.C.* 5:23-4.4(a)6.

As a result of these new rule changes, municipal construction officials will acquire additional responsibilities. Two are relatively simple: (1) The construction official must provide the Department with a written notice of the execution of each contract with a private on-site inspection agency. This notice must be provided within ten days after the effective date of the contract. (2) Effective January 1, 1995, private on-site agencies will be allowed to serve as acting subcode officials. Notice of these acting appointments must be given to the Department by the construction official within seven days of the appointment's being made and must contain information as to the form and amount of payment being made to the agency for the services.

The most important and time-consuming additional responsibility of the construction official has to do with the preparation of RFPs and with the subsequent selection process. Even though contracts with private agencies will now be subject to the bidding requirements and must be awarded to the lowest responsible bidder, all agencies do not have equal ability to do all jobs properly and price competition will be limited to those that first meet the quality of service criteria. The judge of which agencies meet the service criteria is the construction official. It is also his/her responsibility to set the standards of performance on which the final decision will be based and to make sure that the service criteria are specifically indicated in the RFP.

When preparing the RFP, the construction official must be very specific in detailing exactly what services are required and what is expected of the agency. The RFP must specify the term of

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the proposed contract and any local procedural requirements including, but not limited to, staffing and response time requirements exceeding the minimum standards set forth in the code with which the construction official and governing body expect a private agency to comply to effectively enforce a subcode. For example, if the municipality needs the subcode official in the construction office on Tuesdays and Fridays, that should be specified in the RFP. If you need him/her there between the hours of 10 and 12, also specify that. In other words, make sure that all your needs and expectations are clearly indicated so that there will be no misunderstanding once the contract has been awarded to the successful agency.

The RFP must specify that a written, sealed bid is requested along with a qualification statement containing the information required in *N.J.A.C.* 5:23-4.5A(d)1 through 13. Any omission of the required information allows the local governing body the option to automatically disqualify the proposal. It must also identify the subcode(s) for which a bid is requested and state the date and time by which bids and qualification statements must be submitted, which date shall be not less than 30 days following the date of the mailing of the request for bids. The name and address of the person to whom bids and statements are to be mailed or delivered must also be indicated. RFPs are to be sent certified mail with return receipt requested.

Municipalities may not require that an agency have errors and omissions insurance coverage. It is the Department's finding that errors and omissions coverage is so costly that requiring it would severely restrict the ability of new firms to qualify as private enforcing agencies and that it is of little or no use since the only coverage found to be available may not apply to inspections made before the inception of the policy, even if the event giving rise to the claim occurred during the term of the policy.

Once the written sealed bids and the separately sealed qualification statements containing the required information have been submitted to the responsible municipal official, the official must forward all of the qualification statements received to the construction official. It is the construction official's responsibility to evaluate each qualification statement and to advise the governing body, in writing, as to whether in his/her opinion each agency submitting a proposal could effectively enforce the subcode(s) in accordance with the performance standards of the local enforcing agency. This is why it is so very important that careful thought be given in the formulation and preparation of the local performance standards.

When evaluating the qualification statements submitted, construction officials and governing bodies are to base their determination as to whether an agency would be able to effectively enforce the subcode(s) on the criteria specified in *N.J.A.C.* 5:23-4.5A(e)1. through 6.

After the construction official and governing body determine the agencies that could effectively enforce the subcode(s) for which services are required in accordance with the performance standards, bids are to be unsealed and the contract awarded to the agency that has set forth the lowest percentage of the fees charged by the Department and has been determined by appropriate officials to be able to effectively enforce the subcode(s) for which the bid was submitted.

The governing body is to accept the successful low bid or reject all bids within 30 days of the bid opening and enter into a contract with the successful bidder not less than 30 days prior to the beginning of the contract period. Contracts may be entered into for a period of one, two, or three years.

For educational/informational purposes, the Bureau of Regulatory Affairs has prepared a sample RFP. Copies are available upon request.

We hope this information proves helpful come January 1, 1995. Of course, it is impossible to cover everything in one article so do not hesitate to contact us if you have any questions or need additional information and/or clarification. Please direct your questions to the Bureau of Regulatory Affairs, CN 816, Trenton, New Jersey 08625-0816. We also may be reached by calling 609/530-8838.

Please share this information with your administrative and purchasing officials, and do not hesitate to contact the Bureau for any assistance that might be needed.

Source: Virginia Skwara
Bureau of Regulatory Affairs

Effective Use of UCC Notices

Recently, the Secretary of one of the Construction Boards of Appeal wrote suggesting we clarify the differences between the various UCC Notices and their proper use. It is important for code officials to understand the difference between the notices and make effective use of them.

N.J.A.C. 5:23-2.30 outlines the regulations regarding the Notice of Violation/Order to Terminate, and the Notice and Order to Pay Penalty, also known as Form 210A. In brief, the construction official shall issue a Notice of Violation when there exists a violation of the applicable code, of detailed plans, or of the conditions of a permit or certificate. The official must complete the form and must provide a citation of the specific regulation violated. A reasonable time period for corrections is also to be provided on the form, as well as penalty provisions should the applicant fail to comply within the time period imposed.

N.J.A.C. 5:23-2.32 details the utilization of the Notice of

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Jnsafe Structure and Notice of Imminent Hazard, or Form 240A. This form is used for more urgent situations than the above mentioned notices. A Notice of Unsafe Structure indicates unsafe conditions, such as occupancy without a Certificate of Occupancy, as opposed to an Imminent Hazard Notice, which implies that serious and immediate life safety concerns are present – a structure about to collapse is an example. A Notice of Unsafe Structure provides a relatively short time frame to make the structure safe, while the owner receiving an Imminent Hazard Notice generally is ordered to vacate the structure right away.

The appeal process for the notices differs also. The regulations provide an applicant with 20 business days to appeal a Notice of Violation, Order to Terminate, or Order to Pay Penalty. The applicant has 10 business days to appeal the Notice of Unsafe Structure or Imminent Hazard.

Serving the notice properly and legally is as important as the notice itself. *N.J.A.C.* 5:23-2.33 states the owner, agent, or person responsible for work must receive service of the notice. Service may be made in person, or by leaving a copy at the dwelling/ residence of the above person, or with a competent member of the household 14 years old or older residing therein, or other methods consistent with NJ Supreme Court Rules and due process. Sending the notice by certified mail along with a copy sent by regular mail is considered an acceptable method of service. Improper service could potentially void the notice.

The Uniform Fire Code provides similar regulations for notices. The primary difference is that a Notice of Imminent Hazard issued under the Fire Code requires an appeal hearing to be held within 48 hours of receipt of the hearing request.

Source: Gerald Grayce
Bureau of Regulatory Affairs

EDITOR'S NOTE:
The following article is reprinted from the magazine Plumbing and Mechanical *with the permission of the author, Julius Ballanco. Mr. Ballanco is writing about a situation in Indiana, but the concept holds true for all code enforcement.*

It's the Code, Not the Inspector

I am occasionally hired by city officials to inspect plumbing and mechanical installations. This new concept, called special inspections, allows a jurisdiction to hire an individual to inspect a major building project being constructed within their community.

Special inspectors are extremely valuable to bedroom communities that have large, one-time construction projects. Typically the community cannot afford to hire a new inspector, and quite often the current inspector isn't qualified to evaluate the complex systems encountered on a job. I recently was hired by an Indiana own to perform inspections on a large project. Being the guy that will pass judgment on the plumbing contractor, I wanted to introduce myself and explain when we will need to set up inspections. When I told the plumbing foreman who I was he asked, "Well, what would you like?"

I scratched my chin, rolled my eyes and thought about his question. Looking him straight in the eye, I said, "Let's see, I'd like a Mercedes in the driveway, a trip for five to Hawaii, a couple thousand dollars in spending money for the trip..., year, that's about all I can think of today."

After the foreman lifted his jaw off the floor and looked at me in total disbelief, I asked, "Oh, did you want to know what the code requires for the project? You see, you asked me what I wanted, so I told you!" When it comes to the construction project, I added, what I want doesn't mean squat. The only thing that matters is what the code wants.

The foreman explained that inspectors in the towns where he works all want something different. He was just trying to find out what special quirk I might have so that his men will satisfy my requirements. I explained that Indiana is on a statewide plumbing code and all the inspectors only enforce the BOCA national plumbing code. If his men build to that code it doesn't matter what any individual inspector wants.

After our first meeting, the foreman and I got along very well. He relaxed when he found out all he had to do was comply with the code. Anytime an inspection took place, the contractor didn't worry if there was some ridiculous item I would make them change for absolutely no reason at all. In our conversations, I tried to convince the foreman that the plumbing code and inspections are a very necessary and important part of the profession. The purpose of the code is to protect the public health, safety and welfare. Code enforcement assures the public that the building's plumbing system reasonably complies with the code and will result in safe plumbing.

What the foreman on the job didn't realize is that nowhere in the code does it say, "The Plumbing Inspector is hereby appointed King of the Town, Supreme Commander, Maker of Any Rule He Wants." I firmly believe that any inspector that says, "Screw the code, you'll do what I want," should be shot — well maybe not shot — but at least fired.

Unfortunately, the plumbing profession has tolerated, and even fostered, this mentality in code enforcement. Some plumbing inspectors believe it is their god-given right to make up code requirements. If contractors go along with such nonsense, then they are as much to blame as the inspector.

Every time I tell a plumber this, he responds, "I have to work in this town. I can't be challenging the inspector or he'll screw me on the next job. One way or another, he's going to win."

The problem with this attitude is that code enforcement isn't about winning and losing. It's only about winning, and the winner must be the public, otherwise everyone loses.

The Would-Be King: Alright, let's go back to the beginning. A plumbing code is adopted by a state or local jurisdiction as the LAW. This country was founded on the premise that only elected officials can enact a law. That simply means that it is illegal for an appointed public official to create any law — including plumbing codes.

A plumbing inspector is hired to enforce the law. The inspector is equivalent to a police officer. The difference is that the law being enforced is a special law that only applies to construction. (Also, I hope the inspector doesn't carry a gun.)

Many movies have shown the stereotypical Southern sheriff pulling over a Yankee on the highway. The Yankee is immediately thrown in jail. When the Yankee asks what he did wrong, the sheriff says, "I'll think of something tomorrow."

We all get a big laugh from this portrayal of the sheriff because we know in today's society that an event like that is highly illegal and would not be tolerated — except on a construction site. There it's okay for the inspector to say, "I don't like the way you wet-vented that bathroom group. I want an individual vent on every fixture." Being the Yankee on the job, you say "But why, Mr. Inspector?" His line, "Don't worry, I'll think of something tomorrow."

The scene should be just as funny as the movie. Everyone knows the inspector can't make up the code. That's illegal. I can see fearing the sheriff, but the inspector!? The sheriff has a gun that can kill people. The inspector only has clipboard. What's he going to do – hit you on the head with it?

If an inspector makes an outrageous statement like "I want every fixture to be individually vented," any smart plumber would say, "I didn't see that requirement in the code. Could you show me the section that requires an individual vent for each fixture?"

Now the inspector has a choice. He can either admit his mistake or dig himself into deeper trouble with a stupid comment like "You're in my town, you'll do it my way or I'll drum you out of this community and see you never get another job."

When I hear that response I go into my Robin Williams routine.

"Let me guess, someone died and left this town to you in their will. No, no, no I've got it, you're independently wealthy and bought all the stock in this town. No, that's not it either. This town seceded from the union and you were appointed King of all the Community."

If you're wondering, no, I've never been hit for making those statements but I have seen spaghetti coming out an inspector's ears. Realize that a stupid statement like, "You're in my town," is not deserving of a polite professional response. The statement is illegal. The only way to respond is to tell the inspector you know the law and will install the plumbing in accordance with it.

If any inspector threatens a plumber with retribution, he is flirting with jail time. Never fear an inspector holding something against you on the next job if you challenge their authority on this one. Any good inspector will welcome a contractor's questions on code requirements. That means you're interested in proper plumbing installations.

Fortunately, the number of inspectors who try to rule by force of personality is dwindling. They're going the way of the stereotypical Southern sheriff. The faster we eliminate them from the face of the earth, the better.

The next time a new inspector shows up on the job don't ask him what he wants. Ask what code is being enforced in his community and then do your work in accordance. That's all he can ask.

Source: Julius Ballanco
President, JB Engineering & Code Consulting, P.C.

On-Site Agency Inspections/Scheduling

Recently, a peer review committee met to consider possible sanctions against two subcode officials who were employed by a private on-site inspection and plan review agency. During the course of the discussions with both individuals it was disclosed that applicants were being advised to contact the on-site agency directly for the scheduling of inspections. This, of course, is completely contrary to the Uniform Construction Code which requires the construction official, pursuant to *N.J.A.C.* 5:23-4.5(h)1.ix, to ensure that all required inspections are scheduled and performed within the proper time frames. The construction official serves as the chief administrator of the agency. Even in an agency where all of the subcodes are enforced by on-site agencies, the administrative responsibilities remain with the construction official and the municipal enforcing agency.

At the same meeting, it was disclosed that on-site agency subcode officials and inspectors often do not have the technical sections on their person when performing an inspection. All too often, the inspector, not having the technical section, is unsure of the scope of the work and is thus unable to perform a proper inspection. There has to be better coordination between the municipal enforcing agencies and the on-site agencies to ensure that administrative problems of this nature are eliminated. The construction official must take the appropriate measures to both enable the applicant to deal directly with the municipality and to ensure that the on-site agency personnel are following the proper record keeping procedures pursuant to the requirements of the Uniform Construction Code. If code officials are experiencing any of the problems described above, they are advised to contact the Bureau of Regulatory Affairs. Failure to do so could result in one's future appearance before a peer review committee.

Source: Robert Hilzer
Bureau of Regulatory Affairs

Septic System Closure

With the adoption of the 1993 codes, the Department deleted the portion of the National Standard Plumbing Code dealing with the septic tank closure. We did this because NJDEP regulations gave the authority for septic tank closures to the health officials. In effect, this often caused two types of municipal inspectors to go to the site: the health official for the septic systems and the plumbing inspectors for the hookup to the public sewer systems. This is a duplication of effort and simply not required.

The Department met with the DEP to correct the situatio and both departments are in the process of submitting changes to their regulations that will correct this duplication. We have agreed

that it is appropriate to follow those guidelines even before the amended regulations are adopted.

For septic tank closure:

1. If a permit has been issued for a hookup to a public service system, the plumbing inspector will inspect the septic system closure in accordance with the National Standard Plumbing Code.
2. If there is no permit issued and the septic system is being closed because of abandonment or the installation of a new septic system, the health officer will do the inspections in accordance with their regulations.

If you have questions concerning this issue please call:

1. DCA Code Assistance 609/530-8793

2. DEP 609/984-1909

Source: William Hartz
Chief, Bureau of Technical Services

"E Pluribus Unum"

"From many, one" appears on your pocket change. The currency reflects a fundamental principle binding together States with different climates, demographics, and geography into one Union, still preserving the home rule autonomy of local political subdivisions.

Twenty years ago, in a small but densely populated State, there existed a remarkable situation. Five hundred sixty-seven different sets of building, electrical, fire, and plumbing codes were being enforced in the five hundred sixty-seven different municipalities of the State. One of a builder's first tasks at project inception was to find out, from local ordinance or word of mouth, what standards were required.

In the late 1970's, the New Jersey Uniform Construction Code Act pulled together with a consensus process the bewildering buffet of building requirements. With the UCC Act's implementation, one set of technical standards in each building construction discipline was adopted for local enforcement, from one end of the State to the other. Interpretations and new products/new wrinkles will always keep the Code a lively creature, but, to those approaching the construction process, there is predictability in the arena.

The Uniform Construction Code Act, though, did not address site work, and the government still puts the phrase on the penny.

On January 29, 1993, the Site Improvement Standards (SIS) bill was enacted. Amending the Municipal Land Use Law, the SIS Act calls for common statewide technical standards in residential development site work. The Act addresses streets, roads, parking facilities, sidewalks, drainage structures, and utilities. Enforceable by municipalities in the context of regional differences and local ordinance, the SIS Act provides for the establishment, once again by a consensus process, of technical standards and a uniform application form.

The Site Improvement Advisory Board created by the Act has been working as a Board in public session and in committee since July 1993 to prepare recommendations for the Commissioner of the DCA. After Commissioner Harriet Derman's approval, the standards, based on a Rutgers model, will be proposed in the New Jersey Register for public comment.

If the Municipal Land Use Law is one of the tools of your profession, you may want to check that you have the Site Improvement Standards Act available. The DCA welcomes input from individuals and organizations who may contribute their expertise to the ongoing process. A note to CN 802 or phone call to 609/292-7898 will at the least ensure your placement on the interested parties list for all mailings.

Source: Vivian Lopez
Division of Codes and Standards

Federal Fair Housing Amendments Act and Congregate Dwellings

The Fair Housing Act prohibited discrimination based on race, religion, sex, or national origin in the sale or rental of housing. In 1988, the Federal Fair Housing Amendments Act (FFHAA) prohibited discrimination based on family status or disability. It also added the prohibition of discrimination in the construction of multi-family dwellings with four or more units. To clarify what constitutes discrimination in the construction of multi-family dwellings with four or more units, the Department of Housing and Urban Development (HUD) promulgated regulatory guidelines in 1991. Those guidelines interpreted the requirement of the FFHAA that access be provided "into and through" the dwelling unit. As a safe harbor, the guidelines provided that compliance with the American National Standards Institute standard for accessible design (ANSI A117.1) ensured compliance with the FFHAA. Fortunately, in New Jersey the technical provisions of the Barrier Free Subcode (BFSC) were based on ANSI A117.1, so the greatest effect of the FFHAA on the BFSC regulations was the change from five to four in the number of dwelling units in a building that triggered accessibility.

The major impact of these regulations has been felt in the application of zoning regulations to the prohibition of discrimination on the basis of disability. Disability is defined broadly. It includes the limitation of one or more major life activities, such as speaking, seeing, walking, or breathing, the record of such a limitation, or being regarded as having such an impairment. The law applies to all disabilities, including developmental, motor, and sensory; it includes those who have completed a rehabilitation program for substance abuse; those with infectious diseases such as the AIDS virus; and those whose diseases are managed by a dietary or medicinal regimen.

Court cases have been adjudicated that show clearly that zoning and land use ordinances that restrict the choice of a dwelling unit by a person with a disability are prohibited. The Federal courts interpret the land use and zoning restrictions as

unnecessarily paternalistic and conclude that they are based on unsubstantiated prejudice. Interestingly, the FFHAA does not prohibit more stringent construction code requirements; however, it does prohibit those requirements that are based on unsubstantiated prejudices about people with disabilities. In cases where more stringent code requirements are to be applied, they must be based on objective criteria.

The Department of Community Affairs is making an effort to spell out the conditions that provide objective standards for construction requirements for congregate dwellings. In fact, a bulletin, which is being reviewed by the Code Advisory Board, will be issued on this subject. The premise of the bulletin is that the provisions for R-2 dwellings are well suited to apartment buildings. However, they are difficult to apply to small households of independent adults who, although they may have some disability, are, nonetheless, generally healthy, independent, and alert.

The Department has proposed a code change to BOCA that includes a new use group for congregate living arrangements. The congregate dwelling unit would be a one or two family dwelling that houses six or more independent adults who can egress promptly and who share living facilities including cooking, sleeping, eating, and sanitation. The code requirements for the congregate dwelling would be slightly more stringent than those for the R-3 and slightly less stringent than those for the R-2.

In recognition of the need for clear, reasonable, objective standards, BOCA has established an Ad Hoc Committee, of which the Department is a member, to discuss this proposal. The Department will continue to keep code officials advised of progress on this crucial issue.

Source: Emily Templeton
Code Development

Update — Survey of Energy Conservation Building Practices in Residential Construction

In October 1991, the New Jersey Energy Master Plan Committee formally adopted the 1991 Energy Master Plan. The plan addresses the supply, price, and use of energy in the State.

The Energy Master Plan represented a framework for action, which was addressed through the subsequent development of the Implementation section to the Plan.

The Implementation section, like the Energy Master Plan itself, was developed to reflect the State's energy policy goals:

- to provide secure energy supplies and services to energy users,
- to encourage growth by providing energy services at the least cost,
- to protect our environment through wise and efficient energy use, and
- to balance energy needs and impacts through coordinated and integrated planning.

The Energy Master Plan recommends 77 implementatior actions. The Implementation section classifies those actions into three groups:

1. energy supply,
2. energy demand, and
3. transportation and infrastructure.

Several implementation actions related to both energy supply and demand, and for which Community Affairs has shared responsibility, are being addressed by way of a survey of energy conservation building practices in residential construction.

To this end, a sample of 1009 new residential construction units was drawn from the New Home Warranty Central Register database, an automated tracking system maintained by the NJDCA. The sample was drawn from the three main regions of the state. No more than twelve (12) properties were selected from a given town.

An energy survey form and a property list for each of the selected 262 municipalities were mailed to the appropriate construction code officials in the municipalities in December 1993. The NJDCA has received completed or partially completed survey forms from the construction officials of 122 of the 262 towns. Therein lies the problem.

To obtain a set of survey data from which to make sound decisions, we need the construction officials who received the survey forms to fill out and return the forms to the NJDCA in the business reply envelopes provided. Those who returned the form but had information missing from the section of the survey entitled "2. Thermal Envelope Construction" were sent a letter in early June 1994, with an enclosure which indicated the missing data we require. Please complete and return the enclosure to the NJDCA as soon as possible.

We have a record of all construction code officials to whom the survey was mailed in December. If you think you may have received the form but have misplaced it, please call Roberta Davis at 609/292-7898. The master list will be checked and another form with the applicable properties identified will be mailed to you. If you have any questions on the survey, please call Mitch Malec of the NJDCA at 609/292-7898 between the hours of 9:30 AM and 4:30 PM.

Please return all completed survey forms no later than November 15, 1994.

Source: Roberta D. Davis
Office of Planning and Operations
Division of Codes and Standards

Interagency Task Force on Prevention of Lead Poisoning

The fifth annual lead poisoning prevention conference, "Lead in Our Lives: Being Part of the Solution," will be held on Friday, October 21, 1994 at Cook College Campus Center, Coo College, New Brunswick, from 8:30AM to 4:30PM. The purpose

of the conference is to present the most current information about lead poisoning prevention.

The fee for the conference is $25 and includes breakfast, lunch, and all conference materials.

While this conference is not recognized for code enforcement continuing education credit, there will be valuable information that will have relevance to code officials.

For registration information call 609/782-6035 and ask for Stacy Kenyon or Joan Luckhardt.

"How Much Do You Charge for a Permit, Mr. Inspector?"

Permit fee complaints come in a lot to the Department. Sometimes they turn out to be State fees from *N.J.A.C.* 5:23-4.20 in the blue book for "State enforcing agency" towns or private on-site agencies (although January 1, 1995 will see the reinstitution of competitive bidding in the latter area).

And sometimes they're municipal fees that the town has adopted itself. It's tough for us to respond to the public when you've forgotten to send us a copy of your fee ordinance.

N.J.A.C. 5:23-4.3(d)7 requires that fee ordinances, " ... including any amendments thereto whenever made, shall be forwarded to the department upon adoption."

Please: Keep the fee schedule posted for the public and make sure a copy is on file at the Department. Regulatory Affairs at CN 816 maintains the files.

Source: Vivian Lopez
Division of Codes and Standards

To CO or Not to CO, That Is the Question

The prospective homeowner is pleading for a certificate of occupancy because a mortgage commitment is about to expire. The new home is almost complete, missing some trim or gingerbread, and even, perhaps, the "on order" custom plumbing or lighting fixtures.

Especially now as interest rates are rising, much pressure can be put on a construction official to final out a job prematurely so that the closing can take place. Should a construction official even consider issuing a (t.)c.o. when clearly the home is unfinished?

There is no homeowner "waiver" provision in the UCC. There are numerous horror stories out there about the Jekyll and Hyde nature of folks who will entreat the construction official (today) for a certificate. Then, in the following days or weeks as the homeowner encounters builder reluctance to complete "waived" items, the tables are turned and the same construction official becomes the monster who "recklessly, carelessly, or negligently" issued a certificate of occupancy on an unfinished project.

As much as we attempt to meet the needs of our citizens, there are circumstances when it is preferable to be thought a hard case rather than find oneself (and those same citizens) the victim of one's own softheartedness.

In the same vein, a few words once again about the construction office decision on whether 'tis nobler to issue a certificate of occupancy or, on the other hand, to issue a certificate of approval.

As we know, one or the other is required when a project, small or large, is finalled. Apart from the absolute UCC requirement and other legal reasons, certificate issuance (especially on small homeowner jobs in the building season) pragmatically controls the rollicking growth of open permit files.

Specs for the certificate of occupancy are pretty well covered in *N.J.A.C.* 5:23-2.23. There's one notable special treatment in Subchapter 8 for asbestos removal, where *N.J.A.C.* 5:23-8.8 spells out its requirements for certificate of occupancy issuance. But, generally speaking, if you don't see the type of project in question in section 2.23, fall back on issuing a certificate of approval.

For example, if it's a change in use, or increase in height or area, clearly issue a certificate of occupancy. Alteration of commercial space, as in a new tenant fit-up, would generally call for a certificate of occupancy.

Just make sure that an appropriate finalling document is, indeed, issued in all cases. It's not just "paperwork"!

Source: Vivian Lopez
Division of Codes and Standards

Product Expo '95

We are starting registration for the Product Expo at the 1995 Building Conference of N.J. Any vendor interested in more information and a copy of the registration form should write to:

Building Safety Conference of NJ
P.O. Box 6604
Lawrenceville, NJ 08648

Our current floor plan has space for 65 booths. Based on the number of vendors returning and new vendors who already requested registration forms, we only have about 16 available spaces.

The Product Expo was created to allow vendors with new and/or innovative products in code enforcement to explain and discuss their products with inspectors. The inspectors do not buy your products, but they may be responsible for approving them.

Source: William Hartz
Chief, Bureau of Technical Services

New Certificates for Seminars

Starting this fall semester we will no longer provide certificates in the format that you have known. A new CEU form has been designed which will have two parts. At the completion of the seminar your CEU form is collected. It will be initialed by the facilitator, separated, and the second sheet will be returned to the inspector. This will be the inspector's record and the certificate of

completion. This new process streamlines our operational procedures, saving time and money.

After the first of the year, a transcript letter will be mailed to each inspector. This will identify the CEU requirements and the seminars taken by an inspector. We hope this will help with your personal recordkeeping.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

Using UCCARS

All monies that are taken in for payment of Permit or Certificate fees are recorded in the standard Record of Payment screen. This enables you to print a report identifying and totaling these receipts on a daily, weekly, or monthly basis.

The companion to the Record of Payment screen is the Adjustment screen. This is used when a Permit or Certificate fee has been entered incorrectly and a correction or adjustment must be made.

Note that both the Record of Payment and the Adjustment screen require that either a Permit number or a Certificate number be entered.

But there are times when you will receive payments for things other than Permits or Certificates. These might include fees for Contractor Registrations, Garage Sales, Dog Licenses, Tax Maps, Copies, or Resale CO's. Note that these fees are all generated via local ordinance, have nothing to do with the Uniform Construction Code, and are not associated with a UCC permit or a UCC certificate.

And the Cash Receipts Audit Report that UCCARS generates is such a convenient way of accounting for all monies received by your department, that a special screen, the Miscellaneous Payment and Adjustment Screen, has been provided for entering such fees. Since this screen is not used nearly as often as the standard Payment screen or the standard Adjustment screen, we combined both the payment and the adjustment functions into this one non-UCC screen.

Some people erroneously process adjustments to Permit or Certificate fees using the Miscellaneous Payment and Adjustment screen. The rules are: (1) if you record a fee using the standard Record of Payment screen, use the standard Adjustment screen to record any corrections; and (2) if there is no permit or certificate number involved, record the fee and any corresponding corrections under the Miscellaneous Payment and Adjustment screen.

Normally this means that if the fee relates to the UCC, use the standard Record of Payment screen. If it is a non-UCC fee generated from a local ordinance, use the Miscellaneous Payment and Adjustment screen.

Occasionally, however, you will receive UCC-related fees for which you have no permit or certificate number. These will typically include penalties for work done without a permit, and elevator reinspection fees. Both these fees should be recorded in the Miscellaneous Payment and Adjustment screen, which does not require you to enter a permit or certificate number.

Source: Stan Kosciuk
President, Municipal Information Systems

UCCARS Bulletin Board

A little used feature of the UCCARS Software is the Uniform Construction Code Regional Bulletin Board System (UCCRBBS). The UCCRBBS is a full featured bulletin board for use by Construction Officials, Control Persons, and others. The bulletin board provides the user with access to Bulletins, downloadable files, and a message center to leave or receive messages from other users.

To use the bulletin board UCCARS System I users need only exit the UCCARS program, go to the C: UCCARS prompt and type UCCRBBS, hit the enter key and the computer dials up the bulletin board. System II users may have a problem in using this method of accessing the bulletin board; if so, please call for assistance. The UCCRBBS file is created by the UCCOMM disk that is installed in order to permit the UCCARS program to Send data to DCA. At this point the user must enter their name, town and establish a password.

Bulletins of note that change on an ongoing basis include a Revoked Builders list, Approved On-Site Inspection Agencies, and Advance Notice of Seminars. The Advance Notice of Seminars gives the UCCRBBS user two weeks of advance notice prior to the mailing of the seminar list.

The downloadable files include Model Code Adoptions and a manual for using the bulletin board.

If you have any questions please call Larry Wolford at 609/530-8835.

Source: Larry Wolford
Research Analyst, Bureau of Code Services

Annual No Activity Reminder

Annual reminder to all towns: Regardless of lack of activity, you must send the department a monthly report. This report is required whether you report manually or use the modem. This report is due within 10 work days after the close of the month. Modem towns that have no activity should send a written note to signify that there has been no activity.

Source: Larry Wolford
Research Analyst, Bureau of Code Services

New UCC Update Procedure

Our present system allows for mailing updates to the Uniform Construction Code twice a year. This causes long delays between the actual adoption of a regulation and when you finally receive it. This procedure will be improved.

All licensed code officials and those on the subscription service have received Transmittal 32. Transmittal 33 is being prepared and transmittal 34 will follow quickly behind. From then on mailings will be done on a quarterly basis.

Except in emergencies, the Division of Codes and Standards will only adopt regulations four times a year: March, June, September, and December. By using this method, all transmittals will be mailed within 75 days of their adoption.

Source: William Hartz
Chief, Bureau of Technical Services

Bulletin Update

Did you ever wonder if bulletins issued in 1979 are still valid? We did also.

Several months ago we began a review of all bulletins beginning with the most current active bulletin 79-1 "Prior Approvals for Potable Water Wells". This bulletin is still valid, but a few of the citations have changed. It will be revised with the new citations and reissued.

In the next month you will receive the first phase of the bulletin review. It will include a new index listing all bulletins and which ones have been withdrawn, combined, or are still active. In addition there will be four revised and three new bulletins.

Phase 2 will finalize the project and should be ready in about six months.

I would like to thank the Code Advisory Board and all of the subcode committees for their help with this project.

Source: William Hartz
Chief, Bureau of Technical Services

State Training Fees, Just a Reminder

State training fees are used to support the training of Construction Officials, Sub-Code Officials, and others related to the Building/Construction/Inspections offices. If there has been no activity during the quarter you must send the State Training Fee Report (UCC form R-840B) with zeros in the fields for State Training Fees, Cubic Volume, and Dollars of Construction (alterations only). State Training Fee Reports are due regardless of the level of activity during the quarter.

The procedure that should be followed by the municipality include the compilation of the data for the report, the completion of the required form, and the mailing of the form plus a check for the total dollars collected. The completed report includes the total dollars in DCA training fees collected, The total of all cubic volume (whether or not DCA training fees were collected on the volume, and total dollar costs of alterations (again, whether or not DCA training fees were collected on the cost). If the municipality uses the State's UCCARS program the steps to follow are: selecting Print Reports from the main menu, entering the proper password, selecting the menu option Training Fee Report, highlighting the quarter to print, entering the year, and printing. Exempt volume or alteration costs should be noted on the bottom of the form.

Note to modem towns: This is the only report not submitted electronically to DCA. You must send a printed report and check to the Department.

Include the report with a check payable to the Treasurer, State of New Jersey, for the total DCA training fees collected, and mail to:

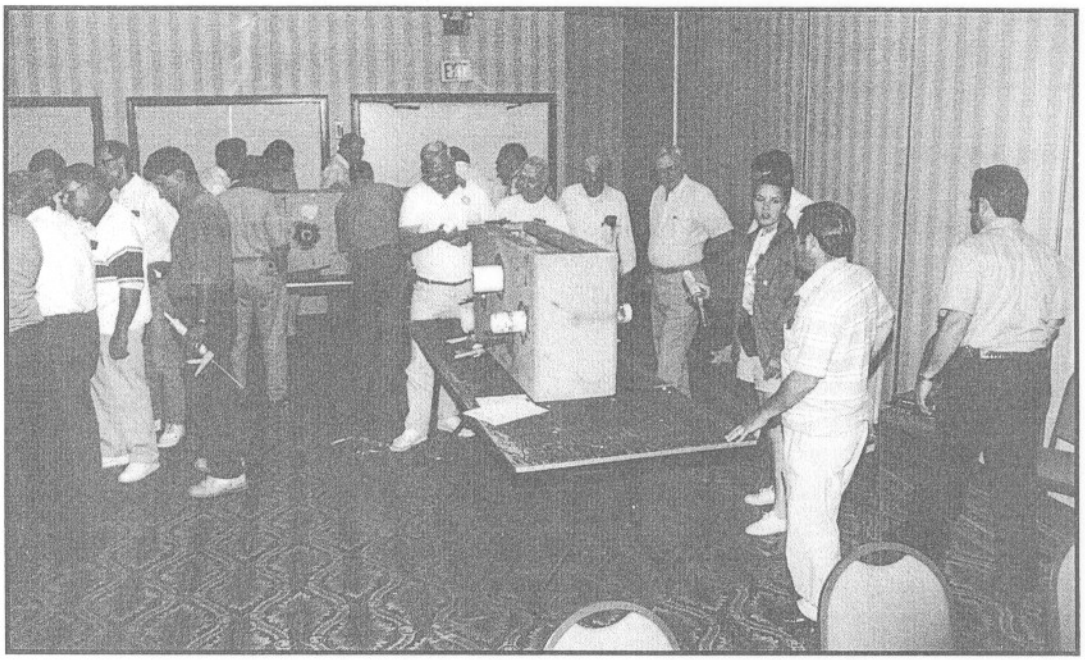
N.J. Department of Community Affairs
Construction Code Element
CN 816
Trenton, New Jersey 08625-0816
ATT: Training Fee Coordinator

Source: Larry Wolford
Research Analyst, Bureau of Code Services

New Jersey Register Adoptions Fall 1994

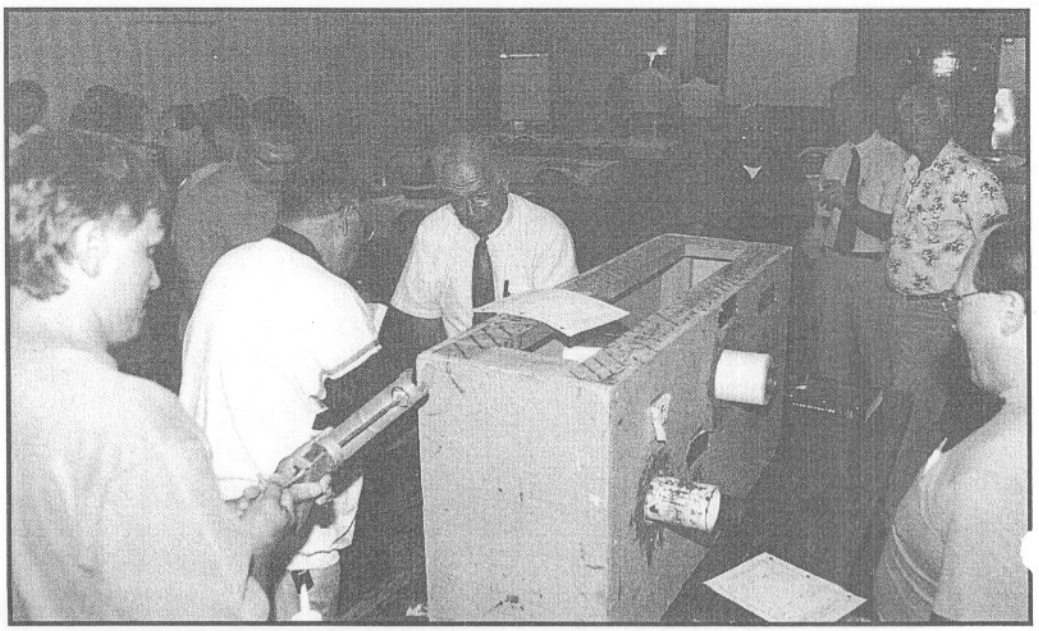
Date	Adoption
7/5/94	26 NJR 1779(c) Notice of Administrative Change, Definitions: *N.J.A.C.* 5:23-1.4
	26 NJR 2780(a) Private Enforcing Agencies, Adopted Amendments: *N.J.A.C.* 5:23-4.4, 4.5, 4.5A, 4.14, 4.18, and 4.20, effective 7/5/94, operative 1/1/95.
9/6/94	26 NJR 3706(a) Increase in Size, Adopted Amendment: *N.J.A.C.* 5:23-2.5, effective 9/6/94, operative 1/1/95.
	26 NJR 3706(b) Backflow Preventers, Adopted Amendments: *N.J.A.C.* 5:23-2.33 and 4.20, effective 9/6/94, operative 1/1/95.
	26 NJR 3706(c) Elevator Inspector HHS Requirements, Adopted Amendment: 5:23-5.19, effective 9/6/94, operative 1/1/95.
	26 NJR3706(a) Asbestos Hazard Abatement Subcode; Asbestos Safety Technician, Adopted Amendment: *N.J.A.C.* 5:23-8.10, effective 9/6/94, operative 1/1/95.
	26 NJR 3707(b) Notice of Administrative Change, Radon Hazard Subcode N.J. Municipalities in Tier 1, *N.J.A.C.* 5:23-10 Appendix 10-A.

Source: E. Maria Roth
Code Specialist, Code Assistance Unit
Bureau of Technical Services



Hands-on Seminar

All during 1994, 3M Corporation has presented eight seminars entitled *Through Penetration Fire Stopping Systems.* This is a hands-on seminar that not only offers the theory but also the practical application. Instructors: William Galinsky and Allen Thomas.





Standing, *(left)* Susan McLaughlin, Supervisor of the Education Unit and *(right)* Larry Wells, Program Development Specialist. Sitting, *(left)* Karen Romanski, Principal Clerk Typist and *(right)* Ann Ferry, Senior Clerk Typist.

Education Unit

The People You Talk To

Hundreds of call come into DCA daily. We thought you might like to see the people you talk to.

Licensing Unit



Standing, *(left)* Frank Salamandra, Supervisor of the Licensing Unit and *(right)* John Delansandro, Licensing Examiner. Sitting, *(left)* Cynthia Hope, Senior Clerk Typist and *(right)* Pat Bognar, Principal Clerk Typist.

Construction Code Communicator

State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 6 Number 4

Winter 1994

Recent Relocation Decision No Cause for Alarm

In a recent hearing decision regarding a case entitled *Travers and McSorley* v. *Township of Old Bridge*, the administrative law judge ruled that the petitioners, who had vacated their rented home after allegedly being told by the inspector that they would be put out immediately if there were a court determination that the building was unfit for human habitation, were eligible for relocation assistance. After notice of this decision appeared in the *New Jersey Law Journal*, the Department received expressions of concern from code officials as to its consequences for enforcement procedures.

The Department does not view this case as making any change in the rules under which people may qualify for relocation assistance. *N.J.S.A.* 20:4-14 provides that "a person who moves or discontinues his business or moves other personal property, or moves from his dwelling . . . as the direct result of code enforcement activities . . ." is eligible for relocation assistance. (Note that there is no eligibility in the case of a true emergency). *N.J.A.C.* 5:11-2.1(b) provides that an order to vacate issued pursuant to *N.J.A.C.* 5:23-2.32(b)1 because a building has become unsafe or uninhabitable as a direct result of a natural disaster, soil subsidence, fire, a latent defect or other sudden and unforeseeable occurrence is not "displacement" due to code enforcement activities.

The authority of the construction official to require buildings to be vacated is found in *N.J.A.C.* 5:23-2.32. Notice to vacate should be given using either form F-240A, in the case of an imminent hazard, or form F-245A. However, even if the construction official does not find it necessary to vacate the building in order to get the violations corrected, and therefore issues a notice of violation and order to terminate (form F-210A) but does not issue either of the vacate notice forms, all code officials and inspectors must still be careful not to make any statement that might be construed as a verbal notice to vacate. If a statement is made that a building occupant might reasonably understand to be a verbal notice to vacate, this case shows how he/she might, in certain factual situations, be found to be eligible for relocation assistance, despite the fact that the code official only intended to require that the violations be corrected.

There is a further lesson to be learned from the case; if you do not agree with statements made in court or in an administrative hearing by a person claiming relocation benefits on the basis of something you allegedly said, say so! Although the inspector was available to testify at this particular hearing, the municipal attorney did not call him to the stand to rebut the claimant's statements. Perhaps the claimant was misconstruing whatever it was that the inspector said about the condition of the building. Perhaps the inspector could have put his/her remarks in a context that would have made it clear to the judge that the problem could have been corrected without removing the occupant and that the claimant was not justified in interpreting what was said as a warning to vacate.

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The judge, however, could not consider these possibilities since the inspector, by not testifying, was understood to be agreeing with the claimant's allegations.

We believe this case is sufficiently distinguishable on its facts that it is unlikely to be a precedent for future unwarranted relocation assistance awards in code enforcement cases. Code officials can continue to issue notices of violation and orders to terminate without fear of thereby incurring liability for relocation assistance for their municipalities. However, the case does serve as a reminder to all code officials and inspectors that care must be taken to avoid making statements that might be misconstrued by a building occupant to his or her financial advantage.

Source: Michael L. Ticktin
Chief, Legislative Analysis
Division of Codes and Standards

Who's the Boss?

We recently have had several calls to find out when a construction official can overrule the subcode official.

N.J.A.C. 5:23-4.5(h)2 states, "Nothing contained herein shall prevent the construction official from overruling a decision of a subcode official if he is qualified and certified in that subcode pursuant to subchapter 5 of this chapter." This means that if the construction official is licensed in the same subcode area as the subcode official and is qualified, by level of license, he/she may overrule the subcode official. For example if the construction official is licensed as Building HHS and Electrical ICS, he/she may overrule the building subcode official on all projects and the electrical subcode official on all class 2 or 3 work *but not* on class 1 structures.

When the construction official does override a subcode official this shall be done in writing and become part of the permanent file.

Source: William Hartz
Chief, Bureau of Technical Services

NOTICE
Municipal Appointments

Effective immediately information on appointments of Construction Official and Subcode Officials, any acting appointments, or requests for acting appointment extensions will be sent to the Bureau of Regulatory Affairs. Address all information to:

Mr. Ken Horton
Chief, Bureau of Regulatory Affairs
CN 816
Trenton, NJ 08625

Stuck in the Middle

This article is in response to a number of inquiries from owners dealing with computer generated elevator inspection reports.

As I pursue the inquiry I'm told by the inspector: "My original inspection report says the motor room door must be self closing." However, the computer generated report reads as follows, "Rule 101.3d access doors and openings." As a result the owner receiving the computer generated report sees no description of the exact problem, and asks, "What is wrong?"

A proper report must contain:

1. The code used.
2. The rule number from the code used.
3. Enough information to abate the violation.

Remember, the purpose of sending the inspection report to the owner or his/her agent is to alert them to code violations and give a reasonable period — immediate if dangerous — to correct. If the violation can not be understood, how can it be corrected?

Code Compliance = Safety

Reaching that goal should be made as clear and concise as we can make it.

And the Uniform Construction Code requires we do so.

BE SAFE — WORK SAFE

Source: Bob Sweeney
Field Supervisor, Elevator Safety Unit

Shop Drawings — Do You Really Need Them?

How many times have you had a discussion with a design professional about the need for shop drawings? Do these documents need to be submitted? Do they need to be signed and sealed? Where in the UCC does it say I can require them?

These are some of the questions that have been posed to the Code Assistance Unit. Let us see if we can clear up this issue a little.

As per *N.J.A.C.* 5:23-2.15 (e) 1 vi, the Construction Official or the appropriate Subcode Official may require adequate details on a plan submittal to determine Code compliance. This code citation does not specify the form in which the information must be submitted, be it in the form of design drawings or shop drawings. It just states that the Official can require whatever is necessary to verify that the design meets the minimum standards of the Code. If the design professional provides sufficient detail in the original design drawings such that it can be determined that the design is Code complying, it is not necessary for shop drawings to be submitted. If however the design professional does not provide adequate details, the Official may require additional information be submitted. This additional information may be provided by means of a design drawing modification or by means of a shop drawing. If there is a need for shop drawings to be submitted due

to the fact that they are an integral part of the design document, then they should be signed and sealed by a design professional. In some cases, it is the preference of the original designer to have shop drawings submitted by the contractors' design professional for the specialty item in question.

A Brief Example

An owner submits signed and sealed documents which utilize pre-stressed concrete planks. The design drawings provide sufficient information including calculations and details such that Code compliance can be verified. It is not necessary for shop drawings to be submitted.

The same owner submits the same plans only this time "Pre-stressed concrete planks by others" appears on the design documents. You, as the Official, should require additional information to determine if the design meets the minimum requirements of the Code. These documents may be in the form of shop drawings or design drawings, of course signed and sealed by a design professional.

This applies to all phases of plan review where shop drawings are regularly submitted.

Source: John Terry
Bureau of Technical Services

How Many Permits Do I Need?

A frequent question is, "How many permit applications for HVAC work are required?" This is an area in the Code that has lacked uniformity for some time.

In all cases, only one permit is required; however, a separate technical section is required for each subcode official who has inspection responsibility for the HVAC work. Since a mechanical official is voluntary and only applicable to R-3 work, in most cases several officials are involved in the inspections. The breakdown is roughly as follows:

- The plumbing subcode official is responsible for any new gas, oil piping or hydronic piping.
- The fire inspector is responsible for the general equipment installation and checks such things as clearance to combustibles.
- The building subcode official is responsible for any new ductwork as well as chimney and vent requirements.
- The electrical inspector is responsible for the electrical connections to the new equipment.

It is easy to see, based on the above, why some towns send out four inspectors to check a furnace replacement. Other towns have recognized that this is a somewhat cumbersome system and have omitted certain officials' inspections where the work is straightforward and can be "covered" by one of the other officials who are inspecting. This is where the inconsistency arises. In some cases, towns do not require inspections by the plumbing, electric, and/or building official. Nearly every town requires a fire technical inspection.

Towns may choose not to issue an electrical technical section where there is existing electrical wiring to an appliance that is being replaced. Towns, in some cases, do not require a plumbing permit if gas piping upstream of the appliance shut-off valve is not altered. Finally, if only minor modifications to ductwork are made and if only the appliance connector is being replaced, some towns omit the building technical section.

The Department is sympathetic to towns who try to streamline the permit process and keep fees down, as long as public safety is not compromised. In my opinion, for the cases mentioned above, it is appropriate to omit responsibility of a subcode when the work is minor to a point where an inspection is superfluous (i.e., an electrical inspection to look at two wire nuts or plumbing inspection to look at a gas appliance connector).

Using this logic, I assume for the following work, a town can ask you for these corresponding technical sections as a minimum.

1. Furnace replacement with no change in fuel type, no relocation, no significant change in ductwork - fire only
2. Furnace replacement as in #1, with new installation of air conditioning condenser plus "A" coil - fire, plumbing and electric
3. Replacement of existing furnace, no change in location, but a change in fuel type - fire and plumbing
4. Replacement of existing boiler with no change in fuel type or location - fire and plumbing
5. Replacement and relocation of furnace - fire, plumbing, building and electric

Obviously, this does not cover all situations, nor is it likely to unify what the towns require. However, I hope it offers some explanation for the inconsistency and hopefully, some guidance on the intent of the present system of requiring multiple technical sections.

Source: Michael Baier
Bureau of Technical Services

EDITOR'S NOTE:
There are now 203 UCC licensed mechanical inspectors. This concept is finally starting to catch on. The Department is still interested in comments from municipalities on the successes or problems of using a mechanical inspector.

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Center for Government Services at Rutgers, The State University. Editor: Carolyn Golojuch. Address changes, subscription requests, comments, and suggestions may be directed to the **DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.**

VISITORS TO N.J. LEARN THE CODE

BOCA honored three New Jersey municipalities in September by selecting them to serve as hosts for representatives from Poland and Slovakia. The three municipalities selected were:

Egg Harbor Township, Atlantic County
Construction Official-Robert Lemon

Mahwah Township, Bergen County
Construction Official-Gary Montroy

South Brunswick Township, Middlesex County
Construction Official-Anthony Lombardo

The Department congratulates all the code officials and administrators of these three municipalities for being selected for this honor.

The following is a brief narrative from each municipality concerning this experience.

Egg Harbor Township

Back in April BOCA notified its membership about a program co-sponsored by the Home Builders Institute in Washington, D.C. and funded by the United States Agency for International Development to train 30 building officials from Poland and the Republic of Slovakia in the administration of U.S. building codes and standards.

Egg Harbor Township expressed an interest in the program and was accepted to host an Eastern European building official during the week of September 23rd to 30th. Our selectee was Roman Gajownik from Warsaw, Poland. Roman has a Doctorate in Civil Engineering and is a Quality Manager for concrete construction in Warsaw.

During Roman's visit to our agency he was hosted at the home of John McGraw. During the day Roman accompanied the building inspectors, learning our procedures and inspection practices under the UCC. On Monday the 26th he visited an appeals hearing at the Atlantic County Construction Board of Appeals. On Wednesday he attended a township committee meeting and was presented with a resolution and a key to the municipality. On Friday he attended a Code Advisory Board Meeting in Trenton.

We entertained Roman by going swimming in the ocean in Cape May, walking on the Wildwood and Ocean City boardwalks, enjoying the variety of seashore restaurants, and touring Atlantic City's Casinos. And yes, he did play the slots and won $40.00.

As an example of the technical exchange that occurred, we learned from Roman that considerably more responsibility is placed on the architect in Poland. He was amazed at the variety of premanufactured products that are installed in residential homes. The cultural exchange was also very rewarding in that wherever Roman went he made friends. He expressed to me many times the overwhelming vastness of the United States, its friendly people, and how as a code agency we protect our citizens through the permit process.

From my observations and BOCA's evaluation the program was an outstanding success.

Source: Robert Lemon
Construction Official
Egg Harbor Township

Township of Mahwah

On September 23 through October 1, Ms. Maria Batory spent time observing the operation of the Department of Inspections in Mahwah, NJ.

We performed plan review and inspections daily. The workload varied from additions or alteration to single family houses to inspection of a 60,000 square foot shopping center.

Ms. Batory participated in several forums on the complete developmental process in New Jersey. She explained the construction process in Poland, and a panel of experts explained the process in New Jersey. The panel consisted of the Mayor and council president representing the political side, the Chairman of the Mahwah Planning Board, two code officials, and ten builders/developers. The discussions included the different perspectives each group has of the process, problems with the process, and how to correct these problems. Ms. Batory also attended the Mahwah Planning Board and Council meetings where she observed the government in action.

Ms. Batory left this meeting with a clear understanding of the developmental process, how it functions, and how it can be improved. The other participants left with an understanding of what happens in Poland and how New Jersey compares.

Source: Gary L. Montroy
Construction Official
Mahwah Township

South Brunswick

We should feel very proud that New Jersey was chosen out of 19 states to host 3 of the 28 Eastern European Visitors who came to the United States. The Participant Training Program for Europe was funded by the United States Agency for International Development and sponsored by the National Association of Home Builders. Most of Europe's building codes have been in place since World War II and are quite outdated and inefficient. This program was designed to expose the visitor to the American process with the potential for change in the future.

The experience of having an international visitor is exciting and fun. The people at BOCA did a great job of finding compatible officials. In my situation, I was fortunate to have Winicjusz Kulej, a 34-year-old municipal architect, the rough equivalent of a building official for the Town of Wodzislaw, Slaski, Poland. Winicjusz is also a registered architect in Poland doing design work and projects to supplement his municipal salary. My guest was married and the father of a 4-year-old son and a 2-year-old daughter.

In Poland, only the building portion of construction is reviewed and inspected . The local utility company performs the electrical review, whereas plumbing and fire inspection are self-regulated by the installer.

Because my guest is a licensed architect, he was very interested in the way buildings are designed and constructed in New Jersey. His interest in the administrative side of code was minimal, because the legislation process is different in Poland.

The Polish people do not use wood as we do. All buildings are stone and/or masonry, and the interior walls are brick with plaster. The roofs are framed with rough hewn wood and then clay tiles, slate or other materials are used to provide weather protection. Some use wood for trim pieces. The nation of Poland does not have the industrial base for the processing of real lumber, manufactured lumber or other building materials. It also does not have the transportation infrastructure to ship the manufactured products. The major reason for the lack of wood products or "American" techniques in Poland is the cost of the materials and their installation. Masonry is used because it is inexpensive, strong, and it can be done by just about anyone. There are no special handling requirements, and they can build part of a building and leave it for months without fear of damage by the elements. With the average monthly salary being equal to $250.00 to $350.00 American dollars, it is not hard to understand that most of the population cannot build a home all at one time. According to Winicjusz, it might take up to 10 years to build your own home with the cost being between $60,000.00 to $70,000.00 due to the high interest rates. This is the main reason many of the people of Poland live in large apartment complexes.

Winicjusz could not believe the variety of styles and sizes of homes in New Jersey and how they were constructed from wood. He was also amazed by the car and truck traffic on the highways. We drove all over North Jersey looking at homes, apartments, and the countryside, taking photographs and video all along the way. We visited New York City, up and down 5th Avenue, to look at the sites, the churches, stores, and New York Architecture; then down into the Italian and Chinatown sections of the City, and finally into the 2nd Avenue Polish/Russian sections.

The first workday at the office was interesting for all. We toured the building with introductions all around at the various municipal offices. "Vinny" was given a few sets of plans to review and take notes of any questions he might have. Following the question/answer session, we went over the operation of the Department with an explanation on the State of New Jersey Uniform Construction Code, the use of the standard forms, and the procedures used by staff. He spent the morning of the next day with the Building Subcode Plan Reviewer and the afternoon with the Director of Planning. First was to see the process of how a plan is reviewed here in New Jersey, what is reviewed, what information we need for a submittal, how we use the Code in our review process, etc. We then spent the remainder of the day with the Director of Planning going over the Planning, Zoning and Master Plan of South Brunswick and the New Jersey Municipal Land Use Law. In the evening we went to a Township Committee meeting the Mayor and other elected officials. The next day was spent doing field building inspections with two building inspectors. The following morning was spent with the Plumbing and Electrical Inspector in the field. Before lunch, there was a tour with the plant engineer of the Dow Jones Information Systems buildings and the newspaper printing plant in South Brunswick. From there we went to the Blackstone Lumber Company and toured their stair division facility where they manufacture all types of stairs. Then on to their window and door division facility where they assemble all the doors and windows they manufacture. We ended the day at their lumber yard where they ship over 85 truckloads of anything and everything you need to build a home. Everything comes in by rail and leaves by truck, which amazed him. After a good breakfast on the last day, I saw Winicjusz off at the airport at 9:30 AM.

The experience was one I will never forget, and I hope he feels the same.

Source: Anthony Lombardo
Construction Official
South Brunswick Township

Radon — New Jersey's Largest Environmental Threat

In a new initiative to increase public awareness of radon, the New Jersey Department of Environmental Protection (NJDEP) has been working to establish a partnership among key statewide organizations, businesses, non-profit organizations, and local communities to work together in radon awareness activities.

"Although radon is no longer making headlines, it remains the most hazardous of environmental pollutants," said NJDEP Commissioner Robert C. Shinn, Jr. "It causes 14,000 lung cancer deaths nationally according to U.S. Environmental Protection Agency estimates, and up to 500 deaths in New Jersey each year."

Numerous health organizations, including the American Lung Association, the Surgeon General, American Medical Association, Centers for Disease Control, and National Cancer Institute, have endorsed the need for immediate action in homes with high radon levels.

The NJDEP will provide informational materials, posters, radon lesson plans for teachers of grades 6-12, speakers, consultation on organizing activities, videotapes and slide shows, and access to scientific expertise, to organizations and communities participating in the outreach program.

Radon is a radioactive gas generated by naturally occurring radium in the soil. Although radon is found in greater concentration in the northwest and central sections of New Jersey, it occurs throughout the state. Therefore, it is advisable for all New Jersey homeowners to test their homes for radon.

Information on testing can be obtained from the NJ Department of Environmental Protection (NJDEP) Radon Information Line, 1-800-648-0394. Inexpensive test kits can be purchased directly from New Jersey certified radon businesses, hardware stores, a number of local health departments, or from the National Safety Council at 1-800-SOS-RADON.

Fortunately, radon is a problem that can be readily solved. The NJDEP has certified a number of contractors who can install mitigation systems that reduce radon to acceptable levels, for costs ranging from $500 to $2,000 depending on the type of house and

(Continued on page 6)

(Continued from page 5)

system used. The NJDEP will also provide post-mitigation tests and inspections to ensure that systems are operating effectively.

Outreach activities by participants can range from placing posters in public areas to organizing events drawing attention to radon. If your organization would like to become involved, contact Judy Morgan, Radon Outreach Coordinator, DEP Bureau of Environmental Radiation, CN-415, Trenton, NJ 08625, 609-987-6400 for further information.

Source: Judy Morgan
Outreach Coordinator, Bureau of Environmental Radiation
Department of Environmental Protection

The Price Is Right

I recently spoke before a group of contractors in an exchange of ideas to make code enforcement better. I went prepared to hear stories that centered around varying code interpretations. I was surprised to hear that the contractors had a major concern about the way that building inspectors affected the contractor/customer relationship.

Specifically, the contractors objected to inspectors making remarks about the price of the job in front of the homeowner. This leaves the homeowner angry at the contractor, feeling like he/she "got ripped off," which makes the contractor mad at the inspector because the inspector made him/her "look bad" in front of the home owner. Although there are no rules against stirring up bad feelings in the UCC, it does not lead to a very constructive environment.

There has been a lot of emphasis on professionalism in code enforcement. Part of being a professional means focusing your attention on the job at hand. The limit of your responsibility is to make sure that the homeowner gets a code conforming job. Though DCA is often mistaken by the public as the Division of Consumer Affairs, you need not and probably should not meddle in the relationship between customer and contractor.

Source: Michael Baier
Bureau of Technical Services

Minor Work — It Does Exist

Believe it or not, the concept of minor work is alive and well in the Uniform Construction Code, although it appears to be generally avoided by local enforcing agencies. Whether you personally agree or disagree with the procedure, you are expected to follow it as outlined in *N.J.A.C.* 5:23-2.17A.

A minor work log should be kept in order to track individuals who notify your office either personally or by phone of their intention to perform minor work. If you are not available, applicants are permitted to leave notice with the municipal clerk. The applicant is then permitted to start and sometimes complete the work without having a construction permit. The log you keep will help you ensure the permit application is submitted within the required 5 business days of notice. No plans are required for minor work.

The type of work which is deemed 'minor work' is referenced in *N.J.A.C.* 5:23-217A(c)1,2,3, and 4. An inspection is required within 30 days of notice and the results of the inspection are based on what is visible. If you have any questions about this, please call the Bureau at (609) 530-8862.

Source: Gerald Grayce
Bureau of Regulatory Affairs

EDITOR'S NOTE:
The following letter was sent to all municipalities in September 1994. It is being provided here for information to all code officials and subscribers to the Construction Code Communicator.

September, 1994

Dear Construction Official:

Since the adoption of the 1993 BOCA National Building Code, the section on swimming pool alarms (421.10.1-9.1) has caused a great deal of confusion. This section required the alarm to sound immediately after the door is opened and required the alarm to be temporarily deactivated, from either direction, by the use of a touchpad or switch. This product does not exist and the only way to comply was with a custom designed alarm system.

At the recent BOCA Code Change Hearings the Department supported code change B37-94 which states:

421.10.1 Outdoor private swimming pool: (No change).

9.1 All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The audible warning shall commence not more than 7 seconds after the door, and its screen, if present, are opened and shall sound continuously for a minimum of 30 seconds. The alarm shall . . . [No change to remainder of the section.]

This code change was approved by the BOCA membership on September 21, 1994.

In addition, the Consumer Product Safety Commission also supported this code change. I have printed their response on the back of this letter.

Although the approved code change is not official until New Jersey adopts the 1996 BOCA National Building Code, the Department supports the use of this provision immediately.

If you have any questions, please contact the Code Assistance Unit at 609-530-8793.

Sincerely,

William Hartz
Chief
Bureau of Technical Services

New Seminars — 1995

During the fall season several new seminar proposals have been submitted for review and evaluation for 1995. The review committee consists of Marge McDonald and Carolyn Golojuch from Rutgers University and Bill Hartz and Susan McLaughlin of Department of Community Affairs.

This year volunteers were requested from the Associations to enhance the committee structure. Two new names were added - Ron Robinson representing the Municipal Electrical Inspectors' Association of NJ and John Josephs representing the Building Officials' Association of NJ. We were very pleased to have them add their technical expertise to our review process. Special thanks also goes to the Associations for recommending the candidates.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

Using UCCARS

A new enhancement to the UCCARS system is now available, just in time to help with your year-end budgeting and reporting requirements. Called 'SUMMARY', the enhancement scans your entire UCCARS database and summarizes your department's code enforcement activity for the past year. It could also be used for year-to-date summaries, quarterly summaries, or for comparisons of past-year activity with prior years.

SUMMARY generates the following summary reports from your UCCARS data:

- Fee summary categorized by subcode, DCA, and certificate fees.
- All certificate fees combined from both permit and certificate logs.
- Total permits and certificates issued by type of work, subcode, etc.
- Square and cubic footage, value of construction, and housing unit statistics.
- Summary of UCC and non-UCC fees collected (includes all non-UCC sources, not just the first five).
- Inspection statistics by inspector and subcode.
- Totals for the above items.

You can select any or all of the above summaries, and direct the summary reports to your printer or just display them on the screen. SUMMARY has been developed for use with both System I and System II. If you have not received your free disk you can request one by calling or faxing your request, including floppy size, to 908-889-6666.

Source: Stan Kosciuk
President, Municipal Information Systems

Upcoming UCCARS User Seminars

Twice as many municipalities have converted to System II than were originally projected. What do they have in common? What can System II do for you? How would it affect your operation? If you are considering it, is System II right for your department?

These and other questions will be answered in the next series of UCCARS support seminars now being planned for 1995. The seminars covering both System I and System II topics will be conducted by several of your peers and DCA and MIS representatives. Control persons who are actually using the system will be discussing their experiences with you.

This is your chance to hear how System II works, not just from an academic presentation, but directly from users' perspectives. Learn why some municipalities' fee schedules work well with System II and why some do not; or what work habits are required of your office staff in order to get the most from System II.

Whether your office uses System I or System II, or if you just want to learn about UCCARS, plan to attend one of these seminars. Find out how other offices handle problems that you've encountered but that are not in the book. You will be receiving announcements and enrollment instructions from DCA.

Source: Stan Kosciuk
President, Municipal Information Systems

Inspection Requests

With the beginning of the 1990s the number of permits issued by the Department of Inspections in Mahwah was down drastically. This caused the Township Council to cut the staff of the Department in half.

All part time inspectors, two building inspectors, the Building Subcode Official, and five clerical positions were vacated, with all but the Building Subcode position being removed from the organizational chart. This left the Department with two clerical people and one person for each subcode position.

This year has shown an upswing in the workload of the Department with 197 new single family dwellings, attached and detached, under construction since January. However, the present climate in government is not to increase staff to deal with the increased workload. This has forced us to come up with other ways of improving our productivity without increasing personnel.

During discussions with local builders the thought was expressed to allow the faxing of inspection requests to the Department. This would replace calling in the inspections and tying up the control person on the phone. One of the problems that we found with scheduling inspections is not getting all of the required information from the person calling. We found that a builder seldom has the permit number, the street address, or other information needed to make the inspector's job easier. When the control person refuses to schedule the inspection she is subjected to unending arguments.

(Continued on page 8)

(Continued from page 7)

By faxing in the requests we have found that the information is much more complete. We started this experiment by handing out directions on the type of information that the request must have in order to be placed on the daily work sheet. This has eliminated approximately half of the phone calls received and has significantly limited the length of the phone calls that we do receive.

Requests tend to be more complete and more readily transferable to the inspectors' daily work sheets. We are able to continue to accept faxed inspection requests up to 8:00 AM in the morning. This allows the contractors to better plan their day and to do their scheduling after normal business hours when they have a better handle on what they can expect to accomplish the next day.

This has also allowed us to deal with those contractors who think that they have scheduled inspections but forgot to fax it in. We keep a record of each fax we receive in a separate file to enable us to check back on each request when someone calls to complain that they didn't get their inspection. This has eliminated a great deal of argument on both sides.

I have found that this is a "win-win" system for everyone. It has improved our productivity without adding to the cost of the operation of the Department and has enabled us to improve our time management during the working day. It has also provided a more feasible operation that is much more convenient to the builders.

Source: Gary Montroy
Construction Official
Mahwah Township

Elevator Inspection Notice

On September 6, 1994, regulations were adopted with an operative date of January 1, 1995, stating, "On or after January 1, 1995, no person shall work either as an elevator inspector or as an elevator subcode official under the provisions of *N.J.A.C.* 5:23-5.4(g) who does not hold an Elevator Inspector HHS License, and Elevator INspector Certification or an Elevator Inspector Interim License."

If you have questions call the Licensing Unit at 609/530-8803.

Source: William Hartz
Chief, Bureau of Technical Services

Permit Extension Act Extended

Governor Whitman signed the extension order of the Permit Extension Act on November 30, 1994. Scheduled to expire on December 31, 1994, the extension would make the Act effective until December 31, 1996. The construction permits issued under N. J. Uniform Construction Code on or after January 1, 1989, and those issued before January 1, 1989 but were valid on or after this date, shall remain valid until December 31, 1996. Many builders and homeowners can still avail themselves of this opportunity to utilize their construction permits.

If there is any question concerning the Permit Extension Act please call the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, P.E.
Code Assistance Unit
Bureau of Technical Services

Transmittal 34

As you are aware, the Department will now be mailing four (4) transmittals per year as updates to the Uniform Construction Code. Transmittal 34 will be mailed shortly. This update will:

1. amend the requirement on existing doors concerning increase in size. *N.J.A.C.* 5:23-2.5 (a) 3.
2. amend the requirement for reinspection of cross connections and backflow preventers to 12 months. *N.J.A.C.* 5:23-2.23(i)4.
3. amend the definition of backflow preventers as a special device as only those with double check valve assembly, reduce pressure zone, and pressure vacuum breakers. *N.J.A.C.* 5:23-4.20 (c) 2 ii (2).

Source: William Hartz
Chief, Bureau of Technical Services

Interesting Information

The following information was compiled by the Director's office based on an inquiry on licensed female code officials. The following numbers represent women who are licensed in code enforcement. They do not represent women working in code enforcement.

There are currently 4,482 licensed individuals in NJ of which 47 are female. Of those 47 out of 4,482 licensed females, there are:

39 out of 2,217 female building inspectors
3 out of 838 female electrical inspectors
2 out of 1,091 female fire protection inspectors
4 out of 885 female plumbing inspectors
1 out of 182 female elevator inspectors

Of those there are:

10 out of 1,241 female building subcode officials
1 out of 555 female electrical subcode officials
2 out of 825 female fire protection subcode officials
1 out of 651 female plumbing subcode officials
1 out of 118 female elevator subcode officials

Of those there are:

10 out of 1,962 female construction officials

Source: Susan Peters Woidill
Director's Office
Division of Codes and Standards

Construction Activity

As you know most construction activity is electronically sent to the DCA at the beginning of each month. This information is a valuable economic indicator since construction is so vital to our economy. The following "Top 10" lists are just for your information. The first list is by number of permits and the second is based on the value of construction. The time period for this information is 7/1/94 to 9/30/94.

Top 10 Number of Permits

1. Berkeley Twp	1300
2. Hamilton Twp-Mercer	1218
3. Trenton	1111
4. Brick Twp	1056
5. Cherry Hill	858
6. Lacey Twp	803
7. Newark	797
8. Wayne Twp	644
9. Sayreville	633
10. East Brunswick	628

Top of Value of Construction

1. Paterson	$193,826,462
2. Delran	$48,474,107
3. Morristown	$44,783,008
4. Atlantic City	$43,861,187
5. Monroe Twp (Glou)	$34,395,143
6. Evesham Twp.	$33,331,933
7. Paramus	$ 30,828,634
8. Warren Twp (Som)	$ 25,627,174
9. Brick Twp	$19,987,784
10. West Windsor Twp	$19,406,368

Source: Larry Wolford
Bureau of Code Services

New Jersey Register Adoptions

Date	Adoption
12/5/94	26 *NJR* 4760(a) Notice of Administrative Correction Asbestos Safety Control Monitor *N.J.A.C.* 5:23-8.11.
12/19/94	26 *NJR* 5007(a) Notice of Adminstrative Changes Municipal Enforcing Agencies — Establishment *N.J.A.C.* 5:23-4.3.
	26 *NJR* 5007(b) Radon Hazard Subcode Adopted Amendments: *N.J.A.C.* 5:23-10.1, 10.3, and 10.4, effective 12/19/94, operative 4/1/95.

NOTE:
The Fall 1994 Communicator, on register adoptions, contained a typographic error. The first item should have read: 26 *NJR* 2779(c) Notice of Administrative Change, ...

Source: E. Maria Roth
Code Assistance Unit

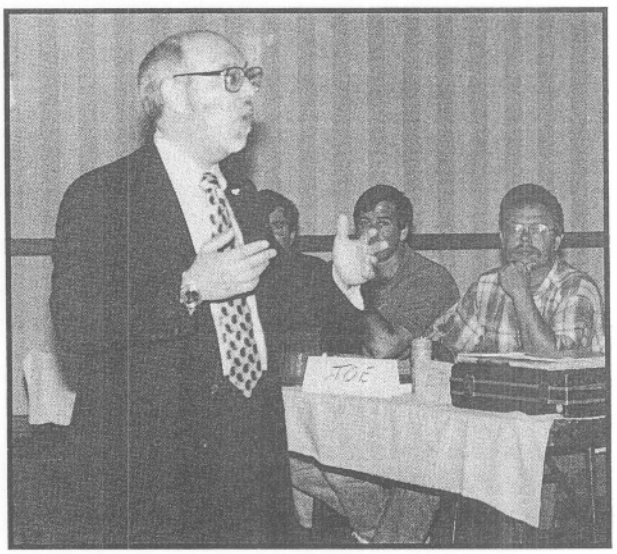
1994 Seminars

It has been another outstanding year for continuing education in the New Jersey Uniform Construction Code. Shown here are two popular instructors.



Jack Boekhout's seminar, "From Plan Review through Certificate of Occupancy," was a very successful multimedia program. This seminar offered many solutions and suggestions to the various code enforcement problems all inspectors face.

John Rekus was an instructor for four different programs during 1994. They were "Practical Aspects of Indoor Air Quality," "Safety Requirements for Confined Spaces," "NEC Article 500 — Hazardous Locations," and "Spray Finishing — Code Requirements and Inspection Techniques." The evaluations were extremely positive for this multi-talented, dynamic instructor.



The People You Talk To

About 1100 calls come into the Code Assistance Unit every month. We thought you might like to see the people you talk to.



Standing *(left to right)*, John Terry — Code Specialist; E. Maria Roth — Code Specialist; Ashok Mehta — Code Specialist; and Michael Baer — Code Specialist. Sitting *(left to right)*, Cecilia Heredia — Head Clerk, Publication Unit; Farid Ahmad — Supervisor, Code Assistance Unit; and Mary Howard — Senior Clerk Typist.

Happy New Year!

Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Stephanie R. Bush, Commissioner

Volume 5 Number 1

Spring 1993

Elevator Safety

Enforcement

The Elevator Safety Unit has received inquiries regarding various issues related to inspection, forms, fees, certificates, etc. The purpose of this article is to inform the construction officials, subcode officials, and other concerned parties about these issues in order to have a uniform enforcement process.

Applicable Codes

The Elevator Safety Subcode, ASME A17.1-Rule #1000.2, stipulates that all routine and periodic inspections be performed to ensure conformance to the applicable code requirements at the time of installation or major modification of the elevator device. The table on page 2 may be used to determine which edition of the code applies to different situations.

If the elevator device had an alteration that was not a major rehabilitation or modification, then the code in effect at the time of installation shall be the code used for inspection purposes. In case of an elevator device having features above and beyond the standard of the applicable code, these features shall be inspected to ensure their proper performance (reference *N.J.A.C.* 5:23-12.2(b)). ASME A17.2 is a recommended procedural guide for carrying out the inspections, and hence should not be cited to indicate any nonconformance/violations. All citations shall make proper reference to the ASME A17.1 provisions.

Repairs/Replacements/Alterations

The repairs and replacements meeting the definitions of ASME A17.1 do not require any permit or inspection. Enforcement of the subcode cannot be used to request changes in the equipment which would lead to retrofit. The subcode, as adopted, is not a retrofit code.

Presently, all alterations are considered minor work (reference *N.J.A.C.* 5:23-12.8(c)).

The Department, in consultation with the Elevator Subcode Committee, is refining this aspect of the regulations in order to address the issues relating to alterations, damage, minor work, and ordinary repairs.

Construction Permits/Certificates

Each building shall be issued one permit for work proposed for a particular phase of construction or alteration. As an example, one permit shall be issued for installation/alteration of several devices located in different parts of the building. The technical section of the permit application shall include the details of the equipment which are part of this phase of construction/alteration.

As each device is inspected, the subcode official or inspector shall approve (green sticker) or disapprove (red sticker) each device. Following the issuance of an approval (green stricker), a Certificate of Compliance may be issued to begin the cyclical inspection process. When all devices are approved, a Certificate of Occupancy or a Certificate of Approval (when a Certificate of Occupancy is not required) shall be issued. The device must be registered before a Certificate of Occupancy or Approval is issued. At the time of a routine or periodic inspection and testing, a Certificate of Compliance shall be issued for each device.

Fees

The construction permit fee for elevator installation and alteration is the sum of the plan review fee, which is a flat fee, and the inspection fee based on the type of device. In addition, there shall be a fee for one Certificate of Occupancy or Certificate of Approval.

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Bureau of Technical Services CN 816 Trenton, New Jersey 08625-0816

NEW JERSEY CODE ADOPTIONS

Elevator Safety Unit Information

BUILDING SUBCODE (BOCA)	(BOCA) ELEV, DUMBWAITER AND CONVEYOR EQUIP ARTICLE NUMBER	SAFETY CODE FOR ELEVATORS AND ESCALATORS	SAFETY STANDARDS FOR BELT MANLIFTS	EFFECTIVE DATE
1975	16	A17.1-1971; A17.1a-1972; A17.1b-1973	A90.1-1969	01/01/77
1976/S	16	A17.1-1971; A17.1a-1972; A17.1b-1973 A17.1c-1974; A17.1d,e,f-1975	A90.1-1969; A90.1a-1972	12/01/77
1978	16	A17.1-1971; A17.1a-1972; A17.1b-1973 A17.1c-1974; A17.1d,e,f-1975	A90.1-1969; A90.1a-1972	10/01/78
1981	21	A17.1-1978	A90.1-1976	05/07/81
1983/AS	21	A17.1-1981	A90.1-1976	02/22/83
1984	21	A17.1-1981; A17.1a-1982	A90.1-1976	08/06/84
1985/S	21	A17.1-1984; A17.1a-1982	A90.1-1976	04/01/85
1986/AS	21	A17.1-1984	A90.1-1976	09/22/86
1987	26	A17.1-1984 & 1985 supplement	A90.1-1985	04/01/
1988/S	26	A17.1-1984 & 1985 supplement	A90.1-1985	06/20/88
1989/AS	26	A17.1-1987	A90.1-1985	11/01/89
1990	26	A17.1-1987	A90.1-1985	07/01/90
1991/S				03/04/91
UCC 5:23				07/01/91

NOTE: The "effective date" represents the date the code was adopted. Under the Uniform Construction Code rules, a 6-month transition period is allowed; therefore, for permits/installations that took place during this transition period, you must:

1) consult construction files to determine under which code the permit was taken out;
2) if code information is not available, apply the previous code.

If permits/installation dates are outside the transition period, the code currently in effect must be applied when performing inspections. Example: a permit was taken out May 15, 1987. If the construction file does not have information about the code used, then A17.1-1984 and A90.1-1976 would be enforced. If the permit were taken out on November 15, 1987, A-17.1-1984-1985 supplement and A90.1-1985 would apply.

S = Supplement
AS = Accumulative Supplement
A = Amendments

(continued from page 1)

Each municipality is required to set enforcing agency fees by ordinance for enforcement of various aspects of the Elevator Subcode. The categories of municipal elevator fees shall be identical to the categories of elevator fees listed at *N.J.A.C.* 5:23-12.6(a) and (b).

No fee shall be charged for a Certificate of Compliance issued as a result of satisfactory completion of routine and periodic tests and inspections for elevator devices.

Source: Paul Sachdeva, P.E.
Manager, Elevator Safety Unit ❑

Smoke Detector Requirements for Increase in Size

In the February 1, 1993 *New Jersey Register*, regulations were adopted that made several changes in how to determine increase in size of a structure and what the requirements for smoke detectors are in use groups R-3 and R-4. Below is a brief summary of the major changes:

1. Increases in size of 5 percent to less than 25 percent of the floor area for any detached, owner-occupied, single family dwelling of Use Group R3 or R4 shall require hardwired, inter-connected smoke detectors with battery backup, meeting the locational and other requirements of NFiPA 74. Detectors are required on each level and in the vicinity of all bedrooms, but not within individual bedrooms.
2. When determining increase in size, use the following:
   A. With respect to smoke detectors in detached, owner-occupied, single family detached dwellings, the floor area shall be the gross floor area of the largest floor.
   B. For buildings erected on or after January 1, 1977, except as in (A) above, the floor area shall be the gross floor area of all floors combined. *Note:* Such structures were built since the adoption of the UCC, and, therefore, under the provisions of a model code that have taken life safety issues into consideration.
   C. For buildings erected before January 1, 1977, the floor area shall be the gross floor area of the largest floor. *Note:* Pre-UCC: it is not known what code, if any, was used.
   D. Except as otherwise set forth in (A)-(C) above, habitable attics, habitable basements, and garages not separated by fire walls shall be included in the gross floor area of the building.

These regulations are the result of months of work among subcode committees, inspector associations, and the Department. They represent a logical compromise that we expect to be uniformly enforced, and that, at the same time, will not cause undue hardship to the homeowner who is adding a small addition.

For the exact wording of the adoption, please refer to the *New Jersey Register* Vol. 25 No. 3, dated February 1, 1993. If you electronically transmit reports to DCA, you may contact the Bulletin Board and print out the complete text from item # 20.

Source: William Hartz
Chief, Bureau of Technical Services ❑

National Fuel Gas Code—New Edition

The 1992 edition of the *National Fuel Gas Code*/NFPA 54/ ANSI Z 223.1 is now available from the National Fire Protection Association. The new code contains a totally revised vent and chimney section, incorporating tables for fan-assisted, mid-efficiency heating units. These tables can be utilized in conjunction with section M-1212.4, which makes reference to approved vent tables. The code and tables can be ordered from:

NFPA
1 Batterymarch Park
Quincy, MA 02269
1-800-344-3555

The BOCA National Mechanical Code, which New Jersey has adopted as its mechanical subcode, is the code you are charged with enforcing. Bulletin 90-4 explains the relationship between NFPA 54 and the BOCA mechanical code under the Uniform Construction Code. ❑

Revoked and Suspended Builders

A builder who applies for a permit to construct a new home which is intended for sale must provide the construction official with evidence that he or she possesses a valid new home builder's registration card issued by the Bureau of Homeowner Protection. These cards are valid for two years unless the builder's registration is suspended or revoked in the interim. Since such suspensions and revocations occur routinely, merely examining the card is not sufficient. In addition to ensuring that the builder's card is current, you should be sure to review the latest Revoked and Suspended Builders list which is sent to you every three months. (Municipalities having access to UCCARS will find that additions to the most recent list are periodically included on the Bulletin Board.)

When you are at the point of issuing a Certificate of Occupancy, it is also necessary to check that the builder's status has not changed during the construction of the home.

You are urged to contact the Bureau of Homeowner Protection at any time to clarify the status of a builder or if you have any other questions concerning the New Home Warranty Program. The telephone number is 609/530-8800.

Source: Mary Ann Dombrowski
Bureau of Homeowner Protection ❑

Using UCCARS

Many control persons have found UCCARS to be an invaluable tool in reconciling their cash receipts at the end of each month. Yet, as we visit various municipalities, we find a surprising number of people who do not take advantage of these built-in capabilities.

Almost all offices run a Cash Receipts Audit Report each day to reconcile their cash drawers. Some, because they are required to make deposits every 48 hours, run the cash report every two days. In fact, many code enforcement departments have found that their treasurers accept printouts of the Cash Receipts Audit Report along with the daily deposits in lieu of the manual forms and

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reports they used to submit.

At the end of each month, many offices generate a Cash Receipts Audit Report for the entire month and compare it with the monthly Permit Fee Log Report. This provides an excellent double-check of your activities for the month, because the data that is printed and consolidated in both reports comes from two different sources. The Permit Fee Log contains actual permit and certificate fees that are calculated and levied as each permit is issued. The actual amount of cash and checks collected from each applicant is tallied in the Cash Receipts Report.

Ideally, at the end of each month the totals of both reports are identical. Realistically, most of the time they differ. But it is usually easy to identify the reasons for the differences and thus double-check the accuracy of both the Permit Fee Log and the cash receipts for the entire month.

Typically, the Cash Receipts Audit Report will show a higher total than the Permit Fee Log because many offices collect fees for services other than construction permits. These fees are recorded in the Miscellaneous Payment screen that has been provided in UCCARS for this purpose.

The first step in reconciling the two reports is to back out non-permit fees from the Cash Receipts Report (e.g., penalties, tax maps, elevator reinspection fees, etc.). If the totals still do not match, the next step is to check the total fee for each permit in the Permit Fee Log against the actual payment recorded for that permit in the Cash Receipts Report.

By first reconciling these reports, applying corrections to your UCCARS data as required, reprinting the corrected reports, then transmitting your data to DCA, you can ensure the accuracy of your monthly reports and of the data you transmit to DCA.

Source: Stan Kosciuk
President, Municipal Information Systems ❑

Continued Certificates of Occupancy and the Uniform Fire Code

Some confusion apparently exists regarding the issuance of Uniform Construction Code Continued Certificates of Occupancy (CCOs) and Uniform Fire Code (UFC) retrofit requirements. Some officials apparently interpret the issuance of a CCO as negating UFC retrofit requirements. This is not the case.

A CCO inspection is conducted by each of the appropriate subcode officials. The officials inspect the visible parts of the building to ensure that there are no violations of *N.J.A.C.* 5:23-2.14 or *N.J.A.C.* 5:23-2.32a; specifically, to ensure that no work was done without a permit and that no unsafe conditions exist. The construction official, with the approval of the subcode officials, then establishes that no violations of law or orders of the construction official are pending, checks local records to establish that the use lawfully existed, and, finally, issues the CCO.

This Continued Certificate of Occupancy does not imply that the building or any specific part of it complies with the code; it merely indicates that the use has lawfully existed and that no unsafe conditions are visible. Having a CCO does not eliminat any UFC retrofit requirements.

Should you have any questions, please telephone the Bureau of Regulatory Affairs at 609/530-8862.

Source: Gerald Grayce
Bureau of Regulatory Affairs ❑

Premanufactured Construction

"Premanufactured construction" is a generic term which is used to include all types of factory-built construction. The chart on page 5 indicates various categories of premanufactured construction covered under the New Jersey Uniform Construction Code. The chart also lists the critical items for each category, which should be helpful in understanding the specific requirements. (Note that premanufactured construction which has been approved and certified—carrying proper insignia of certification—in accordance with the New Jersey Uniform Construction Code shall be acceptable for installation in New Jersey.)

For the factory-built portion, any visible code violations (Federal Mobile Home Construction and Safety Standards in case of a mobile home) should be brought to our attention to enable us to take action to have the violations corrected.

Manufactured homes (formerly called mobile homes) are built to Federal Mobile Home Construction and Safety Standards. Certified (labeled) mobile homes shall not be subject to require ments other than those of the federal standards. Refer to Bulleti 88-2 in this regard. Also, Bulletin 80-6 describes the requirements for certification, support and anchorage system, and fire separation.

A construction permit is required for all on-site work related to installation of a certified premanufactured construction. The on-site work includes, but is not limited to, assembly, foundation system, external utility connections, installation, etc. The local municipal enforcing agency is responsible for inspection and approval of all on-site work.

For any questions relating to premanufactured construction, contact the Industrialized Buildings Unit at 609/530-8837.

Source: Paul Sachdeva, P.E.
Manager, Industrialized Building Unit ❑

Problem Children

When building projects contain some non-standard or especially complex features, there is help. Three Uniform Construction Code sections, each in its own way, address how to enforce code in those cases. They are *N.J.A.C.* 5:23-2.19 Special Technical Services, 3.6 Standards; accepted practice, and 2.20 Tests and special inspections. Let's see what each section is, and what it isn't.

Section 2.19 Special Technical Services is particularly helpful where a homeowner has chosen to design his or her own private residence and the construction official has waived the requirement for plans sealed by an architect. Occasionally, among all the

(continued on page 6)

PREMANUFACTURED CONSTRUCTION

N.J.A.C. 5:23-1.4

	MANUFACTURED (MOBILE) HOMES	MOBILE HOME ADD-ON UNITS	BUILDING ELEMENTS	INDUSTRIALIZED/ MODULAR BUILDINGS	BUILDING COMPONENTS
DEFINITION/ CERTIFICATION	N.J.A.C. 5:23-1.4 N.J.A.C. 5:23-4.26(a)1	N.J.A.C. 5:23-4.26(a)3	N.J.A.C. 5:23-4.26(a)2	N.J.A.C. 5:23-4A.4 N.J.A.C. 5:23-4A.9(a)	N.J.A.C. 5:23-4A.4 N.J.A.C. 5:23-4A.9(a)
ACCEPTABILITY	N.J.A.C. 5:23-2.22(a)	N.J.A.C. 5:23-2.22(a)	N.J.A.C. 5:23-2.22(a)	N.J.A.C. 5:23-2.22(a) N.J.A.C. 5:23-4A.3(a) N.J.A.C. 5:23-4A.11(a)	N.J.A.C. 5:23-2.22(a) N.J.A.C. 5:23-4A.3(a) N.J.A.C. 5:23-4A.11(a)
CONSTRUCTION STANDARDS	FEDERAL M.H.CONST. & SAFETY STANDARDS PART 3280	N.J. UCC/M.H. SUBCODE N.J.A.C. 5:23-3.19	N.J. UCC N.J.A.C. 5:23-4.26(a)2	N.J. UCC N.J.A.C. 5:23-4A.5(a)	NJ UCC N.J.A.C. 5:23-4A.5(a)
INSIGNIA (LABEL) REQUIREMENT	FEDERAL INSIGNIA N.J.A.C. 5:23-4.26(a)1	N.J. DCA M.H. ADD-ON INSIGNIA N.J.A.C. 5:23-4.26(a)3	N.J. DCA COMPONENTS INSIGNIA N.J.A.C. 5:23-4.26(a)2iii	N.J. DCA MODULAR UNIT INSIGNIA N.J.A.C. 5:23-4A.12(b)&(c)	N.J. DCA COMPONENT INSIGNIA N.J.A.C. 5:23-4A.12(c)3
ASSEMBLY/ INSTALLATION AT SITE	ON-SITE WORK (FOUNDATION, ETC.) PLANS & SPECS SIGNED & SEALED BY N.J. P.E. OR R.A.	ON-SITE WORK (FOUNDATION, ETC.) PLANS & SPECS. SIGNED & SEALED BY N.J. P.E. OR R.A.	PLANS & SPECS. SIGNED & SEALED BY N.J. P.E. OR R.A.	ON-SITE WORK (FOUNDATION, ETC.) PLANS & SPECS SIGNED & SEALED BY N.J. P.E. OR R.A.	PLANS & SPECS SIGNED & SEALED BY N.J. P.E. OR R.A.
REQ'D INSPECTIONS BY LOCAL MUNICIPAL ENFORCING AGENCY	N.J.A.C. 5:23-2.22(a)&(b) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (FEDERAL) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, EXTERNAL UTILITY SYSTEMS, FOUNDATION, ETC. 4. NON-DESTRUCTIVE TESTING	N.J.A.C. 5:23-2.22(a)&(b) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (FEDERAL) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, EXTERNAL UTILITY SYSTEMS, FOUNDATION, ETC. 4. NON-DESTRUCTIVE TESTING	N.J.A.C. 5:23-2.22(a)&(b) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (UCC) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, FOUNDATION, ETC.	N.J.A.C. 5:23-2.22(a)&(b) N.J.A.C. 5:23-4A.11(b)(c)&(e) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (UCC) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, EXTERNAL UTILITY SYSTEMS, FOUNDATION, ETC. 4. NON-DESTRUCTIVE TESTING	N.J.A.C. 5:23-2.22(a)&(b) N.J.A.C.5:23-4A.11(b)(c)&(e) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (UCC) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, EXTERNAL UTILITY SYSTEMS, FOUNDATION, ETC. 4. NON-DESTRUCTIVE TESTING

(continued from page 4)

standard features on such a home, the owner wants a special structural design effect, or a unique soil or site problem exists. Then the enforcement agency can determine that an architect or engineer is needed to address just such a problem area. The owner pays less than a total design fee and the officials have established an appropriate safety level (see *N.J.A.C.* 5:23-2.15 (e)3 vi).

Another application of section 2.19 can be made in a professionally signed/sealed permit application where a specialist within or outside the same profession is required, who would then perform a specialized task under the supervision of the professional of record. But, when plans simply do not measure up to the required clarity and completeness called for at sections 2.15 and 9.2, a plan rejection for that cause is appropriate. A requirement for special technical services is not.

Section 3.6 Standards; accepted practice can be applied when Chapter 23, the UCC regulations, is silent. Guidelines already exist for "materials, equipment, system or method" specified (as compared to above section 2.19 where guidelines are lacking and custom services must be performed). These alternative guidelines are the referenced standards as listed in the appendices, and lastly a manufacturer's installation recommendations.

It is handy to arrange our code enforcement texts in the proper pecking order, starting at the top: 1) The Uniform Construction Code, which adopts the 2) subcodes. These refer to 3) standards listed in the appendix. And finally, 4) manufacturer's installation recommendations. Item four is the last resort, so to speak—to be used only where items one through three are inapplicable or silent. Remember, mixing and matching these items at will is not allowed. You have to observe this order of importance.

Section 2.20 Tests and special inspections relates mainly to the BOCA *National Building Code* article on materials and tests, and to tests required by the plumbing and mechanical subcodes. New Jersey's building subcode amendment states that special inspections are universal for class I structures, elsewhere occurring only "when requested." Of the three code sections we are discussing, this is the only one concerned primarily with the construction phase. Subsections 2.20 (a) and (b) give us the choice of conducting the required proofs of performance "live" under the supervision of the enforcing agency, or presenting the agency with the *fait accompli*—namely, a formal proof in writing of compliance with approved test standards. BOCA outlines clearly when a request from an enforcement agency for a special test is justified. It also explains that the practice should be confined to instances where we have no applicable regulations, or where a project cannot be subjected to "approved engineering analysis," or was designed and built by methods other than the adopted applicable material design standards.

Again, but in bird's eye view:

UCC section 2.19: Use generally prior to construction. It authorizes requiring project-specific professional design solutions to unique problems.

UCC section 3.6: Use generally prior to construction. It establishes manufacturer's installation instructions as accepted engineering practice if subcodes and referenced standards are silent.

UCC section 2.20: Use during and at the end of constructio This shows test procedure. Enforcement agencies can require special tests and inspections where the means provided by above UCC sections (design by approved engineering analysis) are unavailable.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services ❑

Municipal Court and UCC Violations Don't Mix

After more than sixteen years since the implementation of the Uniform Construction Code, the Department is still receiving copies of municipal summonses citing Uniform Construction Code regulations. Construction code officials are reminded that Uniform Construction Code violations and municipal court do not mix. Municipal court is not the proper forum for the adjudication of a Uniform Construction Code violation. The only matter a construction official should bring to municipal court is a penalty enforcement matter, either after a determination by the construction board of appeals or after the party has failed to respond to the notice of violation and order to pay penalty.

The construction board of appeals was established to provide a forum for adjudicating violations arising under the Uniform Construction Code Act and Regulations. Board members a required by regulation to have sufficient expertise to deal wi.. construction code-related matters. Bringing an action in municipal court often causes delay in obtaining compliance and may even lead to the municipal judge ruling on matters which are completely out of his or her expertise and jurisdiction. Code officials are urged to avoid these problems in the future by bringing their enforcement actions in the proper forum—the construction board of appeals.

Source: Robert Hilzer
Bureau of Regulatory Affairs ❑

TDD Communication Available

The Construction Code Element has installed a Telecommunication Device for the Deaf (TDD). The hearing impaired may now communicate with the Department by using their TDD and calling 609/530-8799. This number will soon be on all Construction Code Element letterhead. Do not use this number unless you are using a TDD. ❑

Stormwater Discharge Permit Program

On November 2, 1992, regulations for the Statewide Industrial Stormwater Permitting Program became effective, requiring that existing and proposed construction and mining activities secure a stormwater discharge permit. Construction activities wit land disturbances of five acres or more in size, or that disturb le than five acres but are part of a larger plan of development or sale, or mining/quarrying activities of any size which do not involve

treatment of mined materials with detergents, oils or other chemicals may be eligible for a construction general permit authorization from the local soil conservation district. For new construction and mining activities, this prior approval must be secured by the owner before commencement of construction or mining.

This program is implemented in coordination with the New Jersey Department of Agriculture-State Soil Conservation Committee, the local soil conservation district, and the Department of Environmental Protection and Energy.

Conservation district authorization of the general permit is pursuant to the technical requirements for water quality protection in the Soil Erosion and Sediment Control Act program. For new project activities, a general permit application should be submitted to the conservation district at the same time as soil erosion and sediment control plan certification is sought. A discharge permit must be obtained for construction and mining activities which began prior to November 2, 1992 if construction will not be completed by May 1, 1993.

For further information, contact the local conservation district (see directory in DCA Bulletin 91-2), State Soil Conservation Committee at 609/292-5540, or the NJDEPE at 609/633-7026.

Source: James Sadley
New Jersey Department of Agriculture ❑

Lead-Free Solder

(A new article on an old topic)

Back in 1987 there was quite a stir about solder used in potable water systems. Unfortunately, this was one of those issues that burst on the scene and are then forgotten few years later, when they are not so new and fresh. It kind of reminds me of the World Series: there is so much hype in the months around the event, but after some time has passed, you can't remember who won. How many of you remember who won the 1987 World Series? Those of you who know can stop reading. But, for the rest of you, I'd like to recreate what was going on in 1987.

1987: Ronald Reagan was President, the stock market crashed in October, and the Kansas City Royals won the World Series against the St. Louis Cardinals. Also, the DCA, upon the advice of health authorities, was mandating that lead-free solder used in potable water piping contain .2 percent or less of lead. Why?

As I alluded to, the reason was HEALTH. Ingestion of lead in sufficient quantities causes a myriad of adverse health effects. Lead is known to cause damage to the nervous system, reproductive system, gastrointestinal system, and kidneys. Children, whose systems absorb lead more readily, are at the greatest risk for lead poisoning.

One of the main sources of lead poisoning was traced to lead-based paints; another source was identified as lead solder used in potable water piping. Stagnant (not moving) water in pipes where lead solder was used will eventually act as a solvent, causing the lead from the joints to leach into the drinking water. If the water is ingested and the concentration of lead is high enough, lead poisoning can result. The use of lead-free solders helps ensure that a safe potable water supply is maintained.

So, what's my point? And what makes me think you don't remember all this? Well, besides the fact that you didn't remember the 1987 World Series, there have been several lawsuits regarding installations where lead solder was used *after* 1987.

Solders are required to be identified by a "type designation" on the spool or container. "Type designation" includes alloy composition, allowing you to determine it is lead-free. If there is doubt that lead-free solder was used, test kits are available. For more information, call 609/530-8793 and ask for me.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services ❑

New Jersey Register Adoptions

Date	Adoption
12/7/92	24 NJR 4344(a) Notice of Administrative Correction, Licensure of Code Enforcement Officials, General License Requirements: *N.J.A.C.* 5:23-5.5, effective upon publication.
2/1/93	24 NJR 463(c) Administration and Enforcement Process; Increase in Size. Adopted Amendments: *N.J.A.C.* 5:23-2.5, effective 2/1/93.
3/1/93	25 NJR 920(a) Readoption: *N.J.A.C.* 5:23, effective 2/3/93.
	25 NJR 920(b) General License Requirements Elevator Inspectors, Adopted Amendments: *N.J.A.C.* 5:23-5.4 and 5.5, effective 3/1/93.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

Correction

There was an error in the Summer 1992 *Communicator* article, "Means of Egress Lighting and Barrier Free Access." The article should read that the plan review responsibility of Article 8 of the building subcode is the *joint* responsibility of the building and fire protection subcode officials as per *N.J.A.C.* 5:23-3.4(a)1, and *not* the exclusive responsibility of the building subcode official, as the article currently reads. ❑

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NEW JERSEY UNIFORM CONSTRUCTION CODE

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Stephanie R. Bush, Commissioner

Volume 5 Number 2

Summer 1993

12th Annual Building Safety Conference

The Building Safety Conference just seems to keep improving year after year. Most attending thought that this was the best conference yet.

On Wednesday night, May 5, over 325 inspectors attended the Crackerbarrel roundtable discussion session. Most of the 35 tables, where individual topics were discussed, were full for all three rounds. The only complaint was that the session should be longer—maybe four or five rounds.

On Thursday and Friday, May 6-7, 619 inspectors attended two of the 26 seminars being offered. Most inspectors rated the seminars good to excellent.

The highlight of the conference—and its main purpose—was the luncheon to honor the Inspectors of the Year. The recipients of these awards were:

- Electrical Inspector: Victor V. Timpanaro of Old Bridge Township
- Fire Protection Inspector: Patsy K. Townsend of Neptune Township
- Plumbing Inspector: Sal R. DelCorso of the Borough of North Caldwell
- Building Inspector: Russell B. Lindsay, Jr. of Denville Township

Congratulations to all four individuals! As I said at the conference, these four are the Best of the Best for 1993.

[*Please turn to the center pages of this newsletter for photos of the Inspectors of the Year.*]

Source: William Hartz
Chief, Bureau of Technical Services ❑

Spouse's Program

As in past years, the 12th annual Building Safety Conference Spouse's Program was a great success. The group enjoyed such varied activities as a program on casino gambling, Miss America interviews, a trip to Smithville, and a presentation by Ruth Green, Intuitive Counselor. During the in-house sessions, the spouses were enthusiastic, asked a lot of questions, and became very involved in the session with Ruth Green. Participants in the Smithville trip reported that the food, ride, and DCA staff were excellent, and even the weather cooperated.

Of 69 spouses who attended the conference, 46 responded to the survey. Based on the outcome of that survey, plans are in the works for a tour of Cape May next year. See you then!

Source: Cecilia Heredia
Coordinator, Spouse's Program ❑

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Architects' Sealed Drawings and Work of a Minor Nature

"As a subcode official/construction official, must I require a sealed drawing from a person who is doing some simple construction?"

To respond to this question, we need to know what the caller means by "simple construction." To some degree, this situation requires a judgment call from the official.

We are well aware that homeowners may prepare their own drawings for the construction, alteration, and/or repair of a structure used or intended to be used exclusively as their private residences. But what about the small business owner who wishes to construct interior non-bearing partitions? Should an architect's sealed plan be required? *N.J.A.C.* 5:23-2.15(e)1.viii allows the construction official, upon the advice of the appropriate subcode official, to waive the requirements of plans when the work is of a minor nature.

"Minor nature" is not defined in the regulations; this is where good judgment and common sense are needed to analyze construction. Asking specific questions regarding the proposed construction may help guide you in making a decision. In the case of the interior non-bearing partition, is the type of construction material inconsistent with the building's type of construction? Is egress involved? Are fireresistive rated assemblies required? Will a fire protection/sprinkler system be impacted by the proposed partition? If most of the answers are no, then you can feel comfortable considering this work to be of a minor nature. If the answers are *yes*, plans are required. It's your call; use good judgment.

Source: Gerald Grayce,
Bureau of Regulatory Affairs ❑

Construction Applications and Technical Sections

The Bureau of Regulatory Affairs frequently receives calls from developers who tell us that a local construction official is refusing to accept a construction permit application because one or more of the technical sections has not been completed by the tradesperson—licensed electrician, licensed plumber, or fire sprinkler contractor—involved. The application and plans are otherwise complete.

The construction official is incorrect in doing this. *N.J.A.C.* 5:23-2.15 Construction Permits: Application explains that certain information is required for application acceptance. Section (b) of 2.15 further indicates that certain other information is required to be available at the time of the application, but not later than the commencement of the work involving that specific trade. The names of the building, electric, fire, and plumbing contractors fall into this category.

For example, a developer submits an application and plans for a project. The subcontractors have not yet been awarded the specific contracts. You as construction official are required tc accept the application, review the drawings, and approve or deny the application. Then, upon submission of the various technical sections, indicating the name(s) of the contractor, sealed by a licensed plumber and electrician, those sections of the permit get released.

Should you have any questions, please call 609/530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs ❑

Tax Collection and the UCC

Municipalities often attempt to collect real estate tax arrearages by enacting ordinances which require the payment of all outstanding real estate taxes or assessments for improvements as a precondition for obtaining a construction permit or certificate of occupancy. The Department, after consultation with the Attorney General's office, has determined that said ordinances are not legally appropriate.

This issue has been addressed in Superior Court on several occasions since the enactment of the Uniform Construction Code. In *Home Builders League, etc. v. Evesham Township*, 174 N.J. Super. 252 (Law Division, 1980) a municipality had enacted an ordinance requiring applicants for a construction permit or certificate of occupancy to submit proof that they owed no real estate taxes or assessments for improvements. In striking down the ordinance, the court noted that the State, through the enactment of the Uniform Construction Code, had preempted the area of construction code enforcement and, therefore, municipalities were prohibited from imposing any additional requirements for the issuance of a construction permit or certificate of occupancy. This case has never been overruled, and was, in fact, cited with approval in *Matter of Cherry Hill Township* 217 N.J. Super. 140, 143 (App. Div. 1987).

Other cases arising out of Atlantic and Ocean counties have had the same result. In *Ocean County Realtor Board v. Beachwood Borough*, 248 N.J. Super. 241 (Law Division, 1991), the court held that such an ordinance was also invalid because it was preempted by the State Tax Code, Title 54, which did not sanction such a practice to coerce the payment of any overdue taxes, as well as water or sewer charges.

If a municipal construction code official learns that an ordinance of this nature is being considered by the municipality, he or she should indicate to both the municipal attorney and the municipal governing body that the ordinance will be subject to court challenge and ultimately declared invalid. The official can point to both the poor track record such ordinances have had in the courts and to the preemption of the Uniform Construction Code in this area. The municipality should take another approach in attempting to solve its tax collection problems.

Source: Robert Hilzer
Regulatory Affairs ❑

What's New with the Barrier Free Subcode?

Over a year ago, we informed all construction officials that we intended to adopt technical standards that matched the technical requirements of the Americans with Disabilities Act (ADA). At that time, we were not entirely certain how we would accomplish that. Now that we are sure, I want to take this opportunity to bring you all up to date.

In September 1992 at its code change hearing, the BOCA membership accepted a code change proposal that expanded the BOCA accessibility section and mainstreamed some accessibility requirements into the appropriate section of the building code. The code change proposal consists of two parts—Chapter 11 of the 1993 *Building Code*, which contains the scoping requirements, and the adoption by reference of CABO/ANSI 117.1, which provides the technical standards. The scoping section tells which parts of which buildings must be accessible; the technical standard tells how to make those features accessible.

Department staff is in the process of preparing a proposal which will be published in the *New Jersey Register*. The proposal will delete the building portion of the Barrier Free Subcode (BFSC), *N.J.A.C.* 5:23-7.1-7.99 (*N.J.A.C.* 5:23-7.100-7.116, the BFSC section on outdoor recreation, will be kept). At the same time, Chapter 11 of the *BOCA Building Code* and CABO/ANSI 117.1 will be proposed for adoption as the accessibility requirements in New Jersey. BOCA will be amended only for full compliance with federal and state law. Included in the rule proposal will be the announcement of a public hearing. The transcript of the public hearing with a copy of the model code and the technical standard will be sent to the US Department of Justice in Washington, DC, for certification.

The effect of the ADA has been to establish a national standard for access. The BOCA-CABO/ANSI code takes the requirements of the federal civil rights law and puts them into enforceable code terms. Thus, although code officials will not enforce the ADA itself, once the BOCA-CABO/ANSI package is adopted, you will enforce building code and technical requirements that will substantially the same.

Source: Emily Templeton
Code Development Unit ❑

Radon Mitigation in Existing Buildings

Design versus retrofit. Trying to make a silk purse out of a sow's ear. I've thought of a number of analogies to try to relate radon techniques for new construction to radon techniques in existing buildings. The fact is, Subchapter 10 just isn't applicable to existing buildings.

When you are building something *new*, you are able to incorporate into the building design features to handle any possible future occurrence. This is the philosophy of the Radon Hazard Subcode. However, when a building already exists, the philosophy is to reduce the radon level to an acceptable level, at minimum cost and alteration to the building. These reduction techniques may be less than what is mentioned in Subchapter 10.

So, what standards apply to existing homes? None, as far as the radon mitigation system is concerned. The proper functioning of the radon mitigation system is left up to the certified mitigation installer. The code official's primary responsibility is to ensure that the mitigation work does not violate any UCC provisions. For example, firestopping at floor penetrations, proper installation of receptacles, and proper sealing of wall and roof penetrations would all be things of interest to the inspector when a mitigation system is installed.

Source: Michael Baier
Code Assistance Unit ❑

UST Certification

What has seven levels but is rarely seen by code officials in New Jersey? DEPE Underground Storage Tank (UST) Certification, that's what!

It's one of the best-kept secrets since the Manhattan Project. A DEPE certification is required for any work performed on underground storage tanks regulated by *N.J.A.C.* 7:14B (for a list of which tanks are regulated, see 5:23-3.11B in the UCC).

Certifications are broken down into the following seven classifications:

1. Installation—Entire UST system
2. Release Detection Monitoring Only
3. Closure
4. Tank Testing
5. Subsurface Evaluation
6. Cathodic Protection Specialist
7. Cathodic Protection Tester Only

Code officials should determine that contractors possess the proper certification for the work being performed. Additional information can be obtained from the Bureau of Underground Storage Tanks at 609/984-3156.

Source: Michael Baier
Code Assistance Unit ❑

On-site Installation of Underground Electrical Conduits

On March 19, 1993, the Appellate Division of the Superior Court of New Jersey affirmed the Deputy Attorney General's opinion that laying underground electrical conduits on public or private property is not statutorily reserved to licensed electrical contractors, and, therefore, may be performed by general or utility contractors employing general laborers.

In February 1991, Deputy Attorney General Douglas J. Harper in a formal letter opinion advised the Board of Electrical Contractors that laying underground conduits exterior to the build-

(continued on page 4)

(continued from page 3)

ing was *not* electrical contracting work under the Licensing Act. He reasoned that such work did not require any special electrical expertise other than basic construction skills, and he rejected the Board's premise that all work referenced in the *National Electrical Code* (NEC) must either be performed or supervised by licensed electrical contractors. Consequently, in the summer of 1991, DCA gave notice that the installation of electrical conduits exterior to the building, without handling either energized or non-energized electrical conductors, was not electrical contracting work within the meaning of the Licensing Act. Nevertheless, such work remains subject to the other requirements of the UCC, such as construction permits and inspections.

The Appellate Division agreed with the Attorney General's argument that it was the fundamental nature of the work involved, not the mere reference of such work in the NEC, that dictates whether licensure is mandated. The Court's opinion was that the NEC and UCC define the manner in which the work shall be performed, and the legal interpretation of the Act determines whether the work requires licensure. The interpretation of a licensure statute, according to this Court, is a function reserved exclusively for the Attorney General as the Cabinet head of the Department of Law and Public Safety.

Source: Ashok K. Mehta
Principal Engineer, Code Assistance Unit ❑

Financial Reports: CO's Responsibilities

N.J.A.C. 5:23-4.17(b) provides that the construction official, in consultation with the municipal finance officer, is required to prepare and submit to the governing body an annual report within 41 days after the close of the budget year. The report is to detail the receipts and expenditures of the enforcing agency for the preceding budget year, and to give recommendations for a fee schedule/staffing needs for the coming year based upon the operating expenses of the enforcing agency. Immediately upon completion, a copy of the annual report must be filed with the Bureau of Regulatory Affairs.

The UCC-LEA Budget Certification is a separate form submitted by the municipal finance officer to DCA per the requirements of the Division of Local Government Services. Both the finance officer and the construction official must sign the UCC-LEA Budget Certification form. The construction official's signature indicates that he or she has only viewed the UCC-LEA form; the finance officer is responsible for the contents and accuracy of the UCC-LEA Budget Certification.

Construction officials should be aware that the UCC-LEA form is not a substitute for the construction official's annual report required under the UCC regulations. The construction official is responsible for submission of the annual report. If further clarification is needed, please contact the Bureau of Regulatory Affairs at 609/530-8838.

Source: Henry Riccobene
Bureau of Regulatory Affairs ❑

Mechanical License Available

Effective May 3, 1993 the Mechanical Inspector license was approved and appeared as an adoption in the *New Jersey Register*. In order to obtain a mechanical inspector license, you must:

1. Be a licensed inspector in another subcode area.
2. Submit a license application (TL4) and the appropriate fee ($43.00).
3. Document successful completion of two National Certification Test Modules: 4A Mechanical 1 & 2 Family and 4B Mechanical General.

To obtain an application, call the Licensing Unit at 609/530-8803.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Municipal Mechanical Inspection Procedures

The use of a mechanical inspector for Use Groups R3 and R4 is voluntary. If a municipality chooses to use a mechanical inspector, several procedures must be followed. These are:

1. The municipality must have an employee who holds a valid mechanical inspector's license.
2. The municipality must establish a fee, by ordinance, for the inspection of mechanical equipment in Use Groups R3 and R4. This shall be a flat fee and will include the gas, fuel oil, or water piping associated with the mechanical equipment being inspected. The municipality should consider a reduced fee for any additional mechanical equipment installed on the same permit.
3. If the mechanical inspector is a working municipal subcode official in the municipality, he or she may sign off on all mechanical equipment plan review and inspection, except electrical, for mechanical equipment in Use Groups R3 and R4.
4. If the mechanical inspector is a municipal employee, but not an appointed municipal subcode official, the mechanical inspector shall be assigned by the construction official to a designated subcode official.
5. The municipal mechanical inspector or subcode official will be a licensed official in another subcode. The mechanical inspector may continue to use the standard form technical section with which he or she is most familiar, except elevator. All of these forms have at least one line for "Other." On that line enter "Mech Insp R3/4" (as space permits, enter type of equipment, e.g., furnace, water heater) and the municipal fee. Sign-off by the subcode official will also be on this form. If the mechanical inspector function is as successful as we believe it will be, and the responsibilities continue to increase, a separate mechanical form will be developed.

6. When entering the fees in either your computer or permit fee log, enter the mechanical fees under the subcode to which the mechanical inspector is assigned. For example, if the mechanical inspector is the plumbing subcode official, the mechanical fees would be entered under plumbing. One of the purposes for recording fees by subcode is to be able to compare income and expenses by subcode. Since, in this example, the plumbing subcode is doing the work, the fees should be "credited" to the plumbing area. If the mechanical inspector is the subcode official in more than one subcode, the construction official shall decide which form shall be used and to which subcode the fees shall be applied.

Source: William Hartz
Chief, Bureau of Technical Services ❑

1994 Building Safety Conference

The 13th Annual Building Safety Conference of New Jersey will be held May 11-13, 1994, at the Taj Mahal Casino Resort in Atlantic City. The room rate will be $85.00 a night for single or double occupancy, and we anticipate the registration fee to be about $45.00

For the 1994 Conference we are going to attempt something new—a trade show or product expo. We are just beginning to work on the plans, but the schedule may look like this:

May 11, 1994
10:00am–4:00pm: Product Expo
40 vendors with various displays and products for the inspectors' review
6:00pm–7:30pm: Crackerbarrel

May 12, 1994
8:00am–4:00pm: 13 seminars and the Inspector of the Year Luncheon

May 13, 1994
8:00am to 1:00pm: 13 seminars

When you receive your registration form, you will have a choice of three ways to register:

1. Wednesday–Thursday: Product Expo, Crackerbarrel, one seminar, and Luncheon
2. Thursday–Friday: Normal conference registration for two seminars and the Luncheon. Those arriving Wednesday night may attend the Crackerbarrel.
3. Wednesday–Friday: Those who want to make this a three-day conference may attend all functions.

The registration fee will be the same no matter which option you select.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Critical Comments on the 12th Annual Building Safety Conference

Just because we had the most successful Building Safety Conference ever doesn't mean we can't improve. We have reviewed your evaluations and several comments for improvement appeared a number of times. They are:

1. "Have a longer Crackerbarrel—three sessions are not enough." We know this is true, but three sessions seem to be the limit for the *presenters*. Also, remember that we are in Atlantic City, and after an hour and a half of code discussion, most are ready for other activities.
2. "There should be more room for the Crackerbarrel. The tables are too close together, and it is noisy and hard to hear." We agree. This is the largest group we have ever had—more than 325 inspectors. Next year we will try for two sections of the ballroom and space the tables further apart.
3. "The buffet breakfast wasn't open before the seminars." Next year we will try to arrange for the buffet (Sultan's Feast) to open at 7:00am.

Finally, 318 evaluations were returned with a choice of location for next year. A total of 285 wanted to return to the Taj Mahal and 33 to various other locations. About a dozen suggested the Showboat. We have looked at the Showboat, but their conference space is about half of what we have at the Taj. Limiting our conference to 300 participants just would not work.

Source: William Hartz
Chief, Bureau of Technical Services ❑

"The Boss": A Brief Return to the Issue

Some time ago, I wrote an article prompted by misunderstandings that we hear about regularly. We should all know to whom we answer and for what activities. Why, though, do we still hear mayors ask, "Why does my town have to pay the construction official's salary when he works for the DCA?"

In other words, we continue to get feedback from municipal officials, including DCA-licensed officials, that shows us the misunderstandings continue. The purpose of this little article is to ask that our licensed officials not perpetuate the problem.

A construction code enforcing agency official works to the benefit of municipal property owners, renters, and the community in general. The official is an employee of the municipality and paid by the municipality for performing construction code enforcement functions. The DCA cannot hire, nor can the DCA fire, a municipal official.

Because of the specialized nature of the work done by DCA licensees, jurisdiction over evaluation and investigation of that construction code enforcement work quality is reserved by New

(continued on page 8)



Left: **Victor V. Timpanaro, Electrical Inspector of the Year, and Richard Marshall, President of Municipal Electrical Inspectors Association of New Jersey.**

Electrical

12th Annual Building Safety Conference

Fire Protection



Right: **Raymond Welch, President of the Fire Prevention and Protection Association of New Jersey, and Patsy K. Townsend, Fire Protection Inspector of the Year.**



Plumbing

Above: **Rene Campomizzi, President of New Jersey State Plumbing Inspector's Association, and Sal R. DelCorso, Plumbing Inspector of the Year.**

Inspectors of the Year 1993—The "Best of the Best"



Building

Above: **Russell B. Lindsay, Building Inspector of the Year, and Joseph Montemarano, President of the Building Officials Association of New Jersey.**

(continued from page 5)

Jersey common law to the DCA. Plainly speaking, there is a certain intended protection for the local official in the above split of jurisdiction. Some working officials have experienced pressure from their superiors to issue UCC permits, certificates of occupancy, etc., that may not legally be issued under the Code and which can result in a permanent safety hazard for the public. What looks like unreasonableness on the part of the official may be insistence on code compliance.

A refusal in such a situation is not insubordination, but rather a refusal to disobey the law, that is, the Uniform Construction Code statute and legally adopted regulations.

To DCA-licensed officials, we say, *please* don't tell your boss, "I don't work for you, I work for the DCA." That's wrong.

To other municipal officials, we say, please take the above into consideration and contact us freely. We discuss this issue often and are more than willing to assist in clarifying jurisdictional questions and in obtaining answers to technical and administrative questions surrounding the UCC.

Source: Vivian G. Lopez
Chief, Bureau of Regulatory Affairs ❑

"Please Don't Count the Grass Seed"

Is it an enforcing agency's job to sort through items of work in a remodeling contract and sift out non-UCC work? No. Occasionally, however, Regulatory Affairs will get a complaint from a contractor, the gist of which is that the contractor was required to pay cost-based permit fees on the "bottom line" contract price, even though much of what was being done was non-UCC work.

As you know, non-UCC charges that are often included in a remodeling contract are labor and materials on painting, landscaping, even refrigerators in a kitchen remodeling job.

Yet an owner most often signs one contract to cover all items inclusive.

What does one do from "behind the counter" when the contractor comes in to obtain a permit and presents his contract as a basis for the permit fee? The idea is to collect a proper fee but not make it so burdensome as to discourage obtaining a permit, with all the problems the latter road can lead to.

I would be interested in hearing about your approach in response to this article.

My suggestion has been that the contractor step aside at the counter, eliminate contract items that do constitute non-UCC work from the contract total, and add up the remainder for purposes of the permit application. A copy of the contract with those items marked out can be provided to the municipality as appropriate. (Should the question of percentage of alteration become an issue, accuracy becomes even more important!)

The above suggestion is not ideal, and I would welcome ideas based on your experience. Thanks.

Source: Vivian Lopez
Chief, Bureau of Regulatory Affairs ❑

Termination of Fire Protection Inspector–RCS License

As of July 31, 1993, the Fire Protection Inspector–RCS license will no longer be valid due to its being incorporated into the Fire Protection Inspector–ICS level of licensure.

Persons possessing the Fire Protection Inspector–RCS license will lose this license as of the above date. Also, individuals possessing the Fire Subcode license along with the Fire–RCS license will lose both licenses. And finally, individuals who have a Construction Official license by virtue of their Fire–RCS and Fire Subcode Official licenses will lose the Construction Official license as well.

An exception to all of the above would be individuals who apply and qualify for the Fire Protection–ICS license prior to July 31, 1993. In the event a person does not qualify for the Fire Protection Inspector–ICS license by this date, this person will lose the Fire–RCS license along with any other relevant dependent license as referenced above, but may apply at a later date for the Fire–ICS license when qualified to do so. It is important to note here that successfully completed approved courses are valid for an indefinite period of time at present, and that test modules are only valid if successfully completed within three years prior to the date of application for licensure.

If you have any questions concerning this matter, please call the Licensing Unit at 609/530-8803.

Source: Frank L. Salamandra
Supervisor, Licensing Unit ❑

Asbestos Hazard Abatement: New Subchapter 8

Construction officials: this means you! Until now, many of you had only minimal involvement with Subchapter 8, the Asbestos Hazard Abatement Subcode. A new revision of Subchapter 8, printed in the *New Jersey Register* June 7, 1993, will change your responsibilities. As with other subcodes, however, the six-month grace period at *N.J.A.C.* 5:23-1.6(b) will allow applicants to comply with existing regulations for projects already begun (bid, planned, permitted) until December 7, 1993.

As you may already be aware, Subchapter 8 directly applies to asbestos removal from all schools (public, private, daycare and nursery facilities, elementary, secondary, vocational, and college) and to municipal, county, and state buildings, or to buildings leased by municipalities, counties, and the State and regularly used or occupied by public employees. Under existing regulations, the construction official is responsible for issuing asbestos removal permits based on the signed release of the plans by an Asbestos Safety Control Monitoring firm (ASCM). See *N.J.A.C.* 5:23-8.7(c)3. The construction official has also been responsible for granting a certificate of completion or a certificate of occupancy for completed projects when the asbestos safety technician (AST) assures the official that five "clean" final air sample results have

been received. Under the old (existing) regulations, asbestos could be removed from occupied Subchapter 8 buildings only if plan review was done by the State and a variation was granted. In the future, there will be no need for applicants to get state plan review and a variation to perform removal in occupied buildings. The new regulations set forth what is required in an occupied building, and the local officials can perform the necessary administrative tasks.

When you receive a copy of the revised Subchapter 8, pay close attention to the following duties:

N.J.A.C. 5:23-8.4 allows you to grant variations which the ASCM firm recommends. If you have any question as to whether a requested variation meets the purpose and intent of the subcode, you should contact the Department's Asbestos Unit for advice. Especially during the first year that revisions to the subcode are in effect, questions will help us know if changes to the code are working.

N.J.A.C. 5:23-8.5(e)4 describes the "cursory" plan review to be performed by the municipality. Is exiting as per BOCA sufficient? Is there work other than asbestos removal which will require a permit? Will the asbestos removal alter the structure so that it is out of compliance with fire subcode requirements? The subcode now requires that separation barriers constructed for abatement projects be of materials appropriate for the class and type of construction, and that polyethylene sheeting used be flame resistant. These requirements are at *N.J.A.C.* 5:23-8.15(e)4 (unoccupied buildings) and at *N.J.A.C.* 5:23-8.19(c)1 (occupied buildings). Under *N.J.A.C.* 5:23-8.19(b) you will receive an exit plan for building occupants. "Occupants" are those other than asbestos removers and custodial staff. Make sure that the exit plan will work for the site.

N.J.A.C. 5:23-8.6 tells how to coordinate an asbestos removal permit with other permits. An architect's or engineer's certification or a contractor's certification concerning the extent of asbestos in a building which is to be repaired, renovated, or demolished shall be furnished to the construction official according to *N.J.A.C.* 5:23-8.6(a), and if asbestos is to be disturbed, an assessment by the New Jersey Department of Health (DOH), county or local health department, or other private business entity authorized by DOH shall be required unless waived under *N.J.A.C.* 5:23-8.6(b). You will find in *N.J.A.C.* 5:23-8.14 that other types of work which may require a construction permit under the UCC, such as mechanical, electrical, plumbing, or general construction work, do *not* require an asbestos removal permit if they involve the mere "disturbance" of some asbestos-containing material (acm). "Disturbance," however, should not result in more than 10 linear nor more than 25 square feet of acm coming out of a building, so you will know if applicants are applying for a regular construction permit and failing to admit that they are doing removal work.

N.J.A.C. 5:23-8.7(f) enables you to issue a stop work order during an asbestos removal if the AST, after attempting to stop work, asks for your assistance in getting the contractor to comply with the code. The AST is to be present during the entire abatement project to ensure that all work is done properly and that accurate records are maintained.

N.J.A.C. 5:23-8.8 enables you to issue a certificate of occupancy or a certificate of completion for portions of buildings which have undergone acm removal. You rely on the certification of the ASCM firm that the work area is clean enough to reoccupy; however, you may withhold the certificate if the work site was damaged during removal and has not been restored to its original condition. During an asbestos removal in an occupied building, the AST may order the building evacuated if there is asbestos contamination, an equipment failure which could lead to contamination, or a power failure which would cause contamination.

N.J.A.C. 5:23-8.14, a new section on "operations and maintenance" or "o and m" work, allows building owners to perform limitless work to stabilize asbestos in place without removing more than 10 linear or 25 square feet per year. Some of these activities may, however, require building, plumbing, or electrical permits for the other work to be done.

N.J.A.C. 5:23-8.17, a new section on glovebag technique called "limited containment removals" allows removal of an unlimited amount of asbestos pipe covering. Under the new regulations, there are no longer "minor" and "small" jobs. All work is now "o and m" (no permit), a "limited containment removal," or an abatement. These categories cover all types of work.

N.J.A.C. 5:23-8.18 concerns demolitions. The subchapter makes a distinction between structures which are being totally demolished and shall not be reoccupied, and structures which are only being demolished in part and which shall be reoccupied in whole or in part. In the former, there are no building occupants to protect; in the latter there is a continuing concern for the safety of future occupants and work practices shall be in accordance with the subchapter.

N.J.A.C. 5:23-8.20 explains that no asbestos removal permit is needed for non-friable materials (such as vinyl asbestos floor tile or asbestos roof shingles) as long as the removal method does not make the acm friable. The department can give advice on whether a removal method is likely to make acm friable and can do a field inspection if the removal method remains questionable.

Along with changes to Subchapter 8 and the provision at *N.J.A.C.* 5:23-8.18 concerning demolitions, there will be a change to the section concerning demolitions in Subchapter 2. Before issuing a demolition permit for a structure which, as per *N.J.A.C.* 5:23-8.6, the official knows to contain asbestos, the construction official shall require that an applicant verify, in writing, that demolition shall be in accordance with federal law (National Environmental Standards for Hazardous Air Pollutants—"NESHAPS," 40 CFR 61 subpart M). A bulletin is now being issued for added guidance in this area. While you will need to get a written statement from applicants and you will be able to notify federal authorities of any problems, you will not, of course, be expected to issue violations under the federal law.

The Department expects that the new subcode will generate some questions. We encourage you to telephone the unit at 609/530-8812 if you have any difficulties.

Source: Chrystene Wyluda
Supervisor, Asbestos Safety Unit ❑

Using UCCARS

The simplest way to understand if networking would be beneficial in your office is to picture two or more computers connected together with special cabling so that data can flow from one computer to another. One reason to network computers is just to transfer data files between PCs.

But, why spend money on networking when you can accomplish the same thing by copying a data file onto a floppy disk from one machine, carry the disk over to another machine, and load the file into it? A good question, and the answer is for convenience, speed, and efficiency, and also because of difficulties in copying many large files onto a floppy disk.

Another good reason to network computers is to allow external devices to be shared. For example, if there are four computers in your office and each user needs to use a laser printer, all computers can be provided with complete access to the laser printer. There is no need to buy four printers, or to physically swap the printer from computer to computer.

Perhaps the most compelling reason for networking computers is to enable more than one user at a time to access the same application.

Like UCCARS.

When computers in a construction department are networked, the workload of entering permits into UCCARS can be divided among several users. One user can enter a batch of permits on one computer while another user can be entering another batch at the same time at another computer.

The trick to making this work is that UCCARS would no longer reside on your individual computer. In the above example, there are not two separate installations of UCCARS (one on each computer). If there were, the first PC would have some permits in it, while the second PC would contain the rest of the permits.

Rather, UCCARS resides on yet another computer in the office. As a permit is entered into PC#1, it is shipped over the cable to PC#3 (the central computer in our network). Likewise, the permit entered into PC#2 is automatically sent over to PC#3. That way, both PC#1 and PC#2 have simultaneous and immediate accessibility to all permits stored in PC#3. Any computer on the network can look up or print any permit, including one that was just entered by another user.

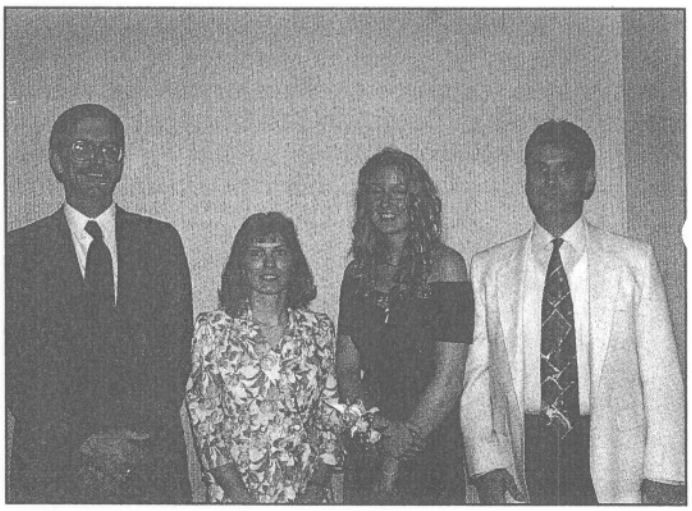
In System II the entire permit application is keyed into the computer. This causes a shift in the workload characteristics of an office. Data entry requirements are *increased*, while manual tasks such as calculating permit fees, typing permits, and generating various reports are eliminated. Thus, municipalities migrating to System II often acquire a second computer and network them so that the data entry workload can be shared.

The inspection system is another major capability of UCCARS that often creates a demand for networking. Generally, when applicants call in for inspections, any of several people in the office can take the call. It is beneficial to set up a computer next to each telephone so that any person receiving the request can immediately access the permit data and prior inspection history, and key the new request into UCCARS.

There are many different types of network systems that have been devised for tying PCs together. After careful evaluation by DCA and OTIS, Novell NetWare 2.2 has been selected as the UCCARS network specification. When designing and specifying a computer network system for your office, you should review *UCCARS Network Guidelines*, available from DCA.

Source: Stan Kosciuk
President, Municipal Information Systems ❑

Associate Degree in Code Enforcement— NJ's First Grads



From left: **James Foran, coordinator of the Associate Degree program at Atlantic Community College with the first UCC associate degree graduates, Lisa LaRue, Sue Kilcheski, and Paul Carrafa.**

On May 21, 1993, a very important event took place at Atlantic Community College. This was the day that Lisa LaRue, Sue Kilcheski, and Paul Carrafa became the first in New Jersey to graduate with the Associate Degree in Code Enforcement.

Mr. Carrafa is presently a licensed code official, while Ms. LaRue and Ms. Kilcheski will be working and training as interns to acquire the necessary experience to obtain the Building Inspector RCS license.

The Department congratulates these three individuals for all that they have accomplished.

Source: William Hartz
Chief, Bureau of Technical Services ❑

UCC Certificate Program at Atlantic Community College

In addition to the Associate Degree in Code Enforcement, Atlantic Community College also offers a Uniform Construction Code Certificate Program. This program recognizes credit earned for previous UCC courses that you have completed. You may be well over half-way to earning your certificate from Atlantic Community College. All credits earned in the certificate program may be applied towards the Associate Degree in Code Enforcement program. If you would like more information on these programs, contact James Foran at Atlantic Community College, at 609/343-4984.

Out of Sight, Out of Mind: Tank Removal

A response a local code official got recently was, "You want a site plan for a tank removal!?! You must be out of your mind!!" However, code officials may ask for a site diagram for tank removals when concerns such as distances to utilities, other structures and lot lines arise. *N.J.A.C.* 5:23-2.15(e)1.i. discusses site diagrams for demolition.

Source: Michael Baier
Code Assistance Unit ❑

Also Out of Sight, Out of Mind: Foam Insulation

Who knows what danger lurks in the foam insulation being used? Not even "The Shadow," apparently. We have had reports that even though we have banned the use of urea formaldehyde foam insulation as a product that violates the Code (see *N.J.A.C.* 5:23-3.8A), it is still being used in New Jersey.

How is this so? Apparently, through some misleading manufacturer's literature. Urea formaldehyde insulation is an on-site mixed insulation having a consistency of shaving cream when installed. It is often used to fill the cores of block walls. A urea formaldehyde-based resin is used as a foaming agent. There are similar foam products that are formaldehyde-free. The trouble is distinguishing the good ones from the bad. If the manufacturer's literature does not say that the product is formaldehyde-free, you may want to ask for some additional information from the manufacturer.

Source: Michael Baier
Code Assistance Unit ❑

State Association Membership

The Department meets with representatives of the four state municipal associations on a quarterly basis. The purpose of these meetings is the constructive exchange on information and ideas. If you would like information on how to join these associations, please contact:

Building Officials Association of New Jersey (BOANJ)
Joseph Montemarano
201/337-1644

Municipal Electrical Inspector's Association (MEIA)
Victor Timpanaro
908/360-1611

New Jersey Fire Prevention and Protection Inspector's Association
Raymond Welch
908/457-9338

New Jersey State Plumbing Inspector's Association
Sal DelCorso
201/790-4119
or write to:
60 Chamberlain Avenue
Paterson, New Jersey 07502

New Jersey Register Adoptions

Date	Adoption
4/5/93	25 *NJR* 1512(a) Notice of Effective Date of Model Codes: 5/1/93.
	25 *NJR* 1512(b) Interpretations Adopted New Rule: *N.J.A.C.* 5:23-9.7, effective 4/5/93.
5/3/93	25 *NJR* 1875(a) Municipal Enforcing Agency Fees, Mechanical Inspectors Adopted New Rule: *N.J.A.C.* 5:23-5.19A. Adopted Amendments: *N.J.A.C.* 5:23-3.4, 4.4, 4.18, 4.20, 5.3, 5.5, 5.22, 5.23 and 5.25, effective 5/3/93.
5/17/93	25 *NJR* 2133(a) Public Notice of Public Hearing, Industrialized Buildings Commission.
	25 *NJR* 2133(b) Public Notice of Code Change Proposal Hearing.

Source: E. Maria Roth
Code Assistance Unit ❑

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New Design Services Law

The New Jersey Board of Architects and the Department have received numerous calls concerning Governor Florio's signing of Senate bill 1071 on February 3, 1993. This new law permits a home improvement contractor or single-family homebuilder to offer or perform "design services" to owner-occupants of single-family dwellings in connection with the demolition, enlargement, or alteration of a single-family dwelling *up until the point at which an application for a construction permit must be filed.*

The italicized portion is the important statement. Although the contractor may provide "design services," the law does not give the contractor the legal authority to prepare a set of construction documents in order to obtain a permit.

For the construction code official, this law does not change any requirements for a permit. *N.J.A.C.* 5:23-2.15(e)1 vii still requires the seal and signature of a registered architect or licensed engineer, except for the case where a single-family homeowner prepares the plans for his or her own private residence.

If you have any questions, please call the Code Assistance Unit at 609/530-8793.

Source: William Hartz
Chief, Bureau of Technical Assistance ❑

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Construction Code Communicator

NEW JERSEY UNIFORM CONSTRUCTION CODE

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Stephanie R. Bush, Commissioner

Volume 5 Number 3

Fall 1993

Industrialized/Modular Buildings and Components: Industrialized Buildings Commission

Under the provisions of Chapter 475, P.L. of 1991, New Jersey has joined with Minnesota and Rhode Island in developing an interstate compact that will eliminate the regulatory costs of conflicting, overlapping, and duplicative state rules, regulations, and procedures. The elimination of such costs is expected to greatly benefit consumers, state government, and industry.

On July 9, 1993, the Industrialized Buildings Commission (IBC) formally adopted documents titled "Uniform Administrative Procedures" and "Model Rules and Regulations," developed by the Commission's Rules Development Committee. Additionally, the Commission adopted a label program, important aspects of which include:

- Uniform administrative procedures for all member states, including labeling and monitoring;
- Retention of technical requirements applicable under current industrialized and modular construction codes within each member state;
- A timeframe of August 1 to December 31, 1993, during which manufacturers may elect to use either the IBC certification or the current New Jersey label;
- Mandatory IBC labeling as of January 1, 1994, for all industrialized and modular buildings and building components produced in or shipped into the member states of Minnesota, New Jersey, and Rhode Island.

Effective August 1, 1993, any industrialized or modular building or building component bearing the IBC label will be accepted for installation in this state in accordance with the manufacturer's approved installation plans. The application of a data plate is still a requirement under the new IBC rules. The information on the data plate regarding construction classification, use group, live loads, fire rating of exterior walls, applicable building code(s), and so forth, is for the Local Municipal Enforcing Agency to validate the industrialized/modular building.

As a full and voting member of the IBC, New Jersey has been an active participant in the development of the "Uniform Administrative Procedures" and the "Model Rules and Regulations." Our state's appointed Commissioner to the IBC, William M. Connolly, worked to ensure that the new rules, regulations, and procedures would continue to provide New Jersey's consumers with the same quality, durability, and safety as in the past. Indeed, under the IBC procedures, we believe that public safety and affordability will be

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significantly improved, because adherence to only one set of technical and administrative procedures rather than to multiple state codes should be simpler for manufacturers, making full compliance an achievable goal.

We will be working on revising the UCC, specifically Subchapter 4A, to properly incorporate these new rules and regulations. It may be noted that the Local Municipal Enforcing Agencies are authorized to accept both labels from August 1, 1993 until December 31, 1993. Beginning January 1, 1994, only the IBC label will be authorized by the UCC as the approved label.

If you have any questions regarding the above, please contact Paul Sachdeva at 609/530-8837.

Source: Paul Sachdeva, P.E.
Manager, Industrialized Buildings Unit ❑

Communicating the Code

As inspectors, how do we communicate the code to others? This may sound like an obvious question, but there is a lot to consider. A great many problems are caused by a lack of communication. But, you may say, I tell the permit applicants what is wrong and what they must do to get compliance. Do they understand what you have told them? To be sure that they do, there are several ways to make certain that the information you have imparted is clearly understood:

1. State the applicable code reference.
2. Try to get a response.
3. Have a positive attitude.
4. Diffuse any hostility.
5. Always be kind and courteous.
6. Be open and honest and admit when you're not sure and need to research the answer.
7. *Never insult, offend, or demean.*

These are but a few good ideas that we can all find helpful.

Often, when dealing with permit applicants, there are times when we can violate the law by making improper statements either verbally or in writing. How do we do that?

Four common wrongful acts committed by inspectors, whether knowingly or unknowingly, are *malfeasance, misfeasance, nonfeasance,* and *violation of civil rights*. As public servants, we have a legal responsibility to act professionally.

Malfeasance is the act of doing something that should not be done at all, such as when an inspector who knows the code requires something not in the code ("I don't care what the code says; when you're in my town you'll do what I want.").

Misfeasance is the improper performance of an act which may otherwise be done lawfully. In other words, the inspector communicates his knowledge of the subject rather than checking the code requirement before providing an answer.

Nonfeasance is the failure to take a required action. A go example is when a roughing inspection is called for on a small addition, and an overworked inspector responds, "Look, I know your work, go ahead and close it up." Knowing the person's work is irrelevant; we are obligated by law to make the inspection.

Another example of nonfeasance is signing off on plans without actually doing the plan review as required by the code.

Violation of civil rights—The 14th amendment reads, in part: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws..."

This means that the Inspector must not be prejudiced when enforcing the code. An example: A contractor comes from another part of the state into the town in which you perform inspections and you make him do things you don't make other local contractors do. For example, you make an inspection and cite a code section that the contractor disagrees with. You tell him, "That is my decision as the Electrical Subcode Official and that decision is final."

You have just violated his civil rights. Due process of law entitles him to go first to the Construction Board of Appeals, and then take further steps if he is not satisfied with their opinion. In such a circumstance, you should respond, "That is how I interpret that code section. You can apply for a variation under the UCC or go to the Board of Appeals, if you like. I would be happy to ass you in filling out the application."

These examples from Julius Ballanco's 1993 seminar, "Communicating the Code," have been used here with his permission.

Source: Richard Marshall
Joseph Bevacqua ❑

Construction Officials and the Elevator Subcode

I thought it would be appropriate to briefly discuss some key issues that were discussed during our July briefing sessions held in three locations for construction officials.

The elevator subcode is different from other subcodes since a major portion of the enforcement work involves the routine and periodic inspection process and the assurance that you, as construction official, are in control of this ongoing process. The elevator safety program includes a maintenance inspection responsibility which is ongoing and cyclical in nature. The responsibility for the routine and periodic inspection process is delegated to the construction official by the Department. Unlike other subcodes, the Department can assume responsibility for the elevator subcode, while the municipality is responsible for the overall administration of the Uniform Construction Code. With this in mind, the construction official plays a different role in the enforcement of the elevator subcode as compared to other subcodes.

N.J.A.C. 5:23-4.13(e) requires that when the elevator inspection is performed by an on-site agency, the agency "shall

answer to the local construction official, who shall be responsible to the Department for supervising the activities of the elevator subcode official." The regulations clearly indicate that the construction official will play an active role in the supervision of the elevator subcode official. Therefore, you should ensure that a subcode official is properly designated by the on-site agency so that you have clear lines of authority to that subcode official. You should also make yourself knowledgeable regarding the types of inspections covered by the subcode, the violation and appeal process necessary for such a maintenance inspection program, that as you sign the required documents you make a cursory review of the reports to ensure that the owner can read the report, understand the violations, and know that they are cited under the applicable code. Many of these issues were reported on in the Spring 1993 issue of the *Communicator*.

The construction official is also responsible for an up-to-date registration of elevator devices in his/her jurisdiction. A comprehensive list of buildings and owners is sent to each office in January and July. Changes to the elevator registry between reporting periods are sent as individual letters. These letters should be kept during the period but can be discarded when a new report is received, since the devices will be included in the report. Out-of-service devices are reported annually so that the construction official can verify that the elevator device is properly classified as out of service. The owner must take out a permit (minor work) in order to take an elevator out of service and not be subject to routine and periodic inspections. The construction official must ensure that the device is safe and does not pose a hazard, thus the permit requires an inspection of the work.

Another area that should concern a construction official is the level of effort needed to properly perform a routine or periodic inspection. Under the ANSI A17.1 standard and A17.2, the inspection guide, a required inspection routine is to be followed for each type of device and each type of required inspection. In addition, some inspections require the inspector to witness tests performed by the elevator maintenance company. These factors dictate an acceptable level of effort to ensure that when a Certificate of Compliance is issued, the device has been maintained at an acceptable level. If an inspector rushes through an inspection and does not follow the proper routines, then certificates may be given to devices which may not be in good condition and pose a safety hazard.

I have covered only a few of the issues which should be of concern to you in meeting your new obligations under the Uniform Construction Code. I have sent copies of the briefing session handouts to all construction officials who did not attend the summer sessions. If you have not received the handouts, then please contact my office at 609/530-8857 and we will send you a copy. The handouts cover these issues and more in greater detail. Also, feel free to contact me if you have a specific question regarding the implementation of the Elevator Safety Program.

Source: Richard Osworth
Chief, Bureau of Code Services ❑

"Propain": The Propane Permitting Process

...At least, that's how some propane suppliers have described our permitting process. At a recent meeting, several members of the propane industry voiced their concern about discrepancies between municipalities with respect to which technical sections need to be filled out when a residential propane system is installed.

For a propane installation, the only technical sections required are Fire and Plumbing. The Fire Protection Subcode Official is responsible for the tank installation, ensuring that the tank is approved, properly secured or mounted, and properly located.

The plumbing permit covers the gas line from the tank to the appliance. The Plumbing Subcode Official ensures that the piping is of an approved material, is properly buried, protected, and sized. Note that the tables we recommended for natural gas pipe sizing in Bulletin 90-6 are not necessarily appropriate for LPG systems. These systems generally operate at higher pressures with a greater pressure drop, resulting in reduced sizes for the distribution piping.

We will be issuing a more comprehensive bulletin on sizing LPG systems sometime in the near future.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services ❑

State Training Fees: How Are We Doing?

The state training fees have been changed to include construction permits issued for alterations. This new fee is charged against the cost of alterations. The State Training Fee Report (R-840B) was revised to allow for the reporting of the new fee. We find that officials and control persons still report fees incorrectly, holding up report processing and forcing us to contact them for more information.

The form as currently designed allows for entry of three numbers. The first number represents the *total fees collected* and should be equal to the amount of the check enclosed. The second number represents the *total cubic volume of new construction*. The third number represents the *total value of alteration*. This last number is the one which causes the problem. It is usually reported as the total of the fee *collected* for alterations and not the total *value* of the alteration for the quarter.

It might help to explain how we enter this report into our systems. We enter the three numbers and the system runs a comparison of the fees collected to the fees generated by the total activity reported for that quarter. If we do not have the two numbers, total volume and total value, we cannot enter the report. This results in the need to contact you and for you to report back to us, all added effort and time for both our offices.

Also, if you have a fee exempt project during the quarter, you should report that value or volume so that we may adjust the total figures as we reconcile the fees collected to the fees generated

(Continued on page 4)

(Continued from page 3)
numbers of our reporting system. Just list the exempt projects by permit number and the related volume or value upon which the fees were not collected. Further, we are discussing the possibility that as we develop a new release of UCCARS, the software would report the exempt permits on the computer-generated form R-840B. That is another reminder—if you are working through the computer, do not forget to use the computer-generated form and forward that with your check to our office. We have found that some towns still are producing the form manually when it can be done by the computer.

Source: Richard Osworth
Chief, Bureau of Code Services ❑

Lighting Power Limits

Since the oil embargo of the early 1970s, many states have adopted measures to conserve energy by restricting the power that can be dedicated to light exterior and interior areas of buildings. ASHRAE, in collaboration with the Illuminating Engineering Society of North America (IES), has developed several procedures to establish criteria and methods for energy conservation through improved utilization of lighting.

One source for criteria to control energy consumption in buildings is the IES publication *LEM-1(1982)*. The State of New Jersey has adopted *LEM-1(1982)* as part of the energy subcode under the *New Jersey Uniform Construction Code*.

LEM-1(1982) is a revised version of the Unit Power Density procedure published by IES as *EMS-1*. The document contains extensive tables of illuminance and lighting system performance criteria for interior task areas, as well as analysis of the method and actual examples of use. The recommended procedure in *LEM-1(1982)* offers methods necessary to determine a lighting power limit for buildings and support facilities such as roads and grounds. Lighting power limits determined by this procedure assist designers of new buildings in setting power limits based on the needs of users, and assist those concerned with existing buildings in setting targets for retrofits and renovations.

The lighting efficiency standards of the energy subcode apply to all newly constructed and renovated buildings. The UCC requires that no building shall employ more power for lighting than that determined through the use of criteria and calculation procedures contained in the document *LEM-1*.

The UCC under *N.J.A.C.* 5:23-3.4(e) requires that the provisions of *LEM-1* be enforced exclusively by the electrical subcode official. Feedback from the municipalities indicates that some code officials have taken a lax attitude toward enforcing this code in past years; nevertheless, in this energy conservation era its importance can no longer be ignored. Electrical subcode officials *must* ensure that installations comply with this part of the energy subcode, and thus help improve energy utilization in this state.

Source: Ashok K. Mehta
Principal Engineer, Code Assistance Unit
Bureau of Technical Services ❑

Electrical Permits Required for Elevator Installations

Installation or alteration of elevator devices usually involves the need to do related electrical work. Also, the type of alteration and installation of equipment causes the elevator installer to become involved in electrical work. The combination of electrical and elevator subcodes has resulted in some confusion over the need for an electrical permit and the need for that permit to be taken out by a licensed electrical contractor.

The 1993 code adoption more clearly addresses the roles of the electrical subcode official and the elevator subcode official in the plan review and field inspection requirements (specifically, section 620 of the *National Electrical Code).* But, a permit is required for those items requiring electrical plan review and inspection. If the permit relates to the "electrical work" of the elevator installer, then an electrical license is not required since the installation of elevator equipment is exempt under the Electrical Contractor Law.

You may find it necessary to issue *two* electrical permits, since the electrical contractor may apply for work up to the power disconnect, while the elevator installer would apply for work related to the installation of the device.

Fees for such permits shall be established based on the work to be performed by the individual contractors.

Source: Richard Osworth
Chief, Bureau of Code Services ❑

Acting Appointments

Acting appointments are a part of code enforcement made necessary by vacations, sick leave, or a vacancy in the code enforcement office. There are four things to remember about acting appointments:

1. There must be a written record of the appointment;
2. Anytime the acting appointment exceeds 30 days the Department must be notified within seven days of the appointment;
3. The municipality may not exceed 60 days with any acting appointment; and
4. If it is necessary for an acting appointment to exceed 60 days, usually due to lengthy illness, a written request for an extension to the acting appointment must be made to this office.

If you have questions on acting appointments, please contact me at 609/530-8797.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Paper Trail: Which Code Takes Precedence?

I am about to take you on a trip down a dark, winding path. If you bring the flashlight, I'll bring the breadcrumbs. Actually, I'll bring the paper since we all know what happens to breadcrumbs (besides, government guys have a lot more experience with paper, and this *is* a "paper trail" we are following!).

The name of our trail is Tank Approvals. I agree this isn't as glamorous as the Appalachian Trail or, better yet, Donner's Pass (although it can be a dog-eat-dog world out there), but this trail can be just as arduous. If you start to feel woozy or lose your way, immediately proceed to the margin and head due south to the next article!

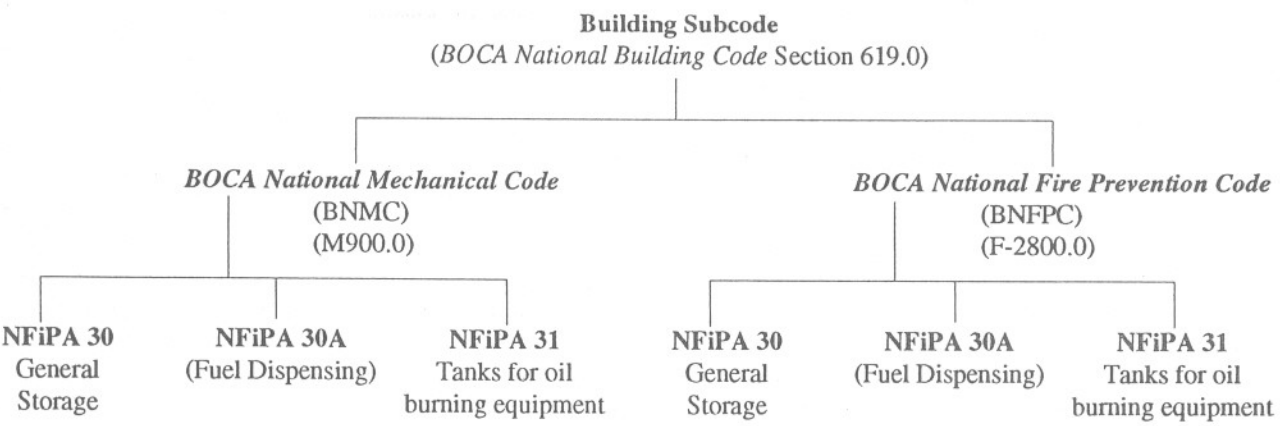
Of course, no self-respecting ex-boy scout ever goes on such a trek without a map. If you look at our map below, you will see that our journey begins with the *BOCA National Building Code*, progresses on to referenced codes and from there to referenced standards. There are a couple of rules of the land to follow when traveling this trail. In applying the requirements of the referenced standards, the adopted subcode takes precedence over the primary and secondary referenced standards, and the primary standards take precedence over the secondary referenced standards.

So, for our trip, the requirements of the *BOCA National Fire Prevention Code* cannot overrule the requirements of the building subcode. It should be remembered that the *BOCA National Mechanical Code* is also an adopted subcode and when applied as such, takes precedence over the standards referenced in it. However, in the map below, the *BOCA National Mechanical Code* is a referenced document to the building subcode.

Well, that's enough mental exercise for today. You all may report to your local boy scout office and collect some type of merit badge.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services ❑

TRAIL MAP



After the Certificate of Occupancy

You receive a complaint from a tenant or homeowner that code violations exist in a building which received a certificate of occupancy several years ago (issued by your predecessor, we hope).

The Bureau of Regulatory Affairs gets questions and calls from all sides:

From the complainant, we receive comments that the construction official did not respond to the complaint and/or would not accept the responsibility, since a certificate of occupancy had been issued.

From the local officials comes a question as to whether they have the authority or the right to enter a building once a certificate has been issued.

From the developer/builder/owner-in-fee comes the opinions that the code violation is not valid since there is a certificate of occupancy and that there must be a statute of limitations on code violations.

The following should help address the situation:

First, the subcode official is required, as referenced in *N.J.A.C.* 5:23-2.32 Unsafe Structures, to examine and report to the construction official his/her findings of any unsafe conditions. This is required where a valid certificate of occupancy has been issued and also applies to buildings constructed prior to the UCC. The construction official must serve a written notice, cite the conditions found, and require correction(s). This may take some research, as only a violation referenced by the code in effect *at the time of permit issuance* is applicable.

Secondly, yes, the code official can enter the building. *N.J.A.C.* 5:23-2.29(d) permits the official to enter a building after a certificate of occupancy has been issued, but only based on reasonable grounds—e.g., a complaint or inspection request—to believe a condition of the certificate has been violated. As *N.J.A.C.* 5:232.24 (a) 1 & 3 Conditions of a Certificate indicates, the conditions include the building conforming to the released plans and meeting the requirements of the regulations; in other words, complying with code. An allegation of a code violation subjects the conditions of the certificate to scrutiny. Should you be denied entry, contact your local solicitor and discuss the remedies prescribed by law.

Finally, although the developer/builder/owner does have a certificate of occupancy, the complaint still must be investigated. Code officials are capable of making mistakes, and the structure must be inspected to ensure code compliance. Also, there is no statute of limitations on code violations.

As code officials, the first two items are your responsibility. Please heed the regulations. Should you have any questions, contact the Bureau of Regulatory Affairs at 609/530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs ❑

Means of Egress Doors in Residential Construction

The 1993 *BOCA National Building Code* has brought some major changes with respect to residential construction. One significant change is the minimum clear width requirement of all interior means of egress doors within a dwelling unit, not required to be adaptable or accessible. All these doors now must maintain a minimum clear width of 29-3/4 in. This change is intended to allow the occupants of the unit with temporary disabilities to be able to use most spaces. It does not necessarily mean that the upgrade required for the existing homes during alterations or additions will have to enlarge the existing 28-in. doors (permitted under the 1990 *BOCA National Building Code*).

The 1990 *BOCA National Building Code* limited egress door requirements to means of egress doors serving habitable or occupiable areas. The 1993 edition of the code does not include this limitation. Section 1017.3 (Ex. 4) implies that the door from the storage closet with a floor area in excess of 10 sq. ft. is an element of means of egress and is required to meet the egress door requirements (with the exception provided in the code for a sliding door or the requirement dictated by the Barrier Free Subcode for a 32-in. door). Shower or sauna compartment doors are, however, not regulated by the above section. These are regulated either by the Plumbing Subcode (stall dimensions, listings, etc.) and/or the Barrier Free Subcode.

Source: Farid Ahmad, PE
Code Assistance Unit
Bureau of Technical Services ❑

Plan Review Procedures

Construction code officials are reminded that plan review and approval on a project can be performed only by either: 1) the appropriate subcode official in the municipal enforcing agency; 2) the appropriate subcode official of the on-site inspection and plan review agency under contract with the municipality; 3) the Department, if the project is beyond the enforcing agency's classification or is of a nature reserved to the Department under *N.J.A.C.* 5:23-3.11; or 4) another State agency pursuant to *N.J.A.C.* 5:23-3.11A. All too often, even at this late date, there is confusion as to the role of the private consultant in the plan review process.

A consulting firm may have licensed individuals who, if employed by a municipality or an on-site agency, would be qualified to perform plan review. However, such a firm, unlike an authorized private on-site inspection and plan review agency, can only contract with the applicant for consulting services and has no direct relationship with the enforcing agency. A review performed by a consulting firm is only an advisory service provided to the applicant and should never be accepted as a review authorizing the

issuance of a construction permit. Even after a consulting firm review, the plans must be reviewed and approved by an appropriate governmental enforcing agency. Situations have occurred where a municipality with a lower level classification has accepted a plan review from a consulting firm and issued permits on a project rather than advising the applicant to forward the plans to the Department. Acceptance of a plan approval from a consulting firm without further plan review is, of course, completely improper and is as if no plan review and approval has been performed at all.

Assurances given by consulting firms as to the scope of their authority should not be blindly accepted. If a construction code official has any questions as to the correct plan review procedure, he or she is advised to contact either the Bureau of Construction Project Review at 609/530-8866 or the Bureau of Regulatory Affairs at 609/530-8838.

Source: Robert Hilzer
Bureau of Regulatory Affairs ❑

Building Valuation Data Report

The Uniform Construction Code requires that current building replacement costs be calculated using the latest edition of the Building Valuation Data Report as published in the *BOCA Magazine*. The question frequently asked is, "Which one is the latest?"

There has been some confusion about the use of the data report after BOCA modified and restricted its use solely for the purpose of permit fee calculation since May/June 1992. The May/June 1992 issue of *BOCA Magazine* explained the changes and the conversion from the old method to the new method of valuation. This matter is currently under review of the Department and until new regulations/bases are proposed and adopted, the Building Valuation Data Report as it appeared in the May/June 1992 issue of the *BOCA Magazine* shall continue to be used. Should the code officials or builders encounter any difficulty in the valuation of the building replacement costs, they may call the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, PE
Code Assistance Unit
Bureau of Technical Services ❑

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Center for Government Services at Rutgers, The State University. Editor: Hilary Bruce. Address changes, subscription requests, comments, and suggestions may be directed to the **DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.**

Products Violating the Code Part II

'Bout a year ago, I wrote about stores still advertising or displaying prohibited products in New Jersey. Occasionally, you, gentle reader, send me a circular advertising one of them (3.5 GPF ads have been the most conspicuous). This assistance is appreciated, and I wanted to let you know what happens when, for example, you do notice an ad, and think to put it in an envelope and mail it to us.

Regulatory Affairs follows *N.J.A.C.* 5:23-8A(b) procedures; that is, we send a notice to the responsible company forbidding further sale or offers for sale of the offending product. The notice also contains language advising clearly of penalty repercussions.

After sending out these notices over the past few years, I'm pleased to report that, without exception, followups show the retailers in question have been responsive in removing the noted items promptly from their circulars and shelves.

I don't want to reprint the list of prohibited products in this article, though you might want to refresh your memories by taking a look again at page 23-50.1 of the Code (*N.J.A.C.* 5:23-3.8A(d)). DCA will continue to keep its collective eyes open for these items, and I also encourage you to continue to bring them to our attention. If you would like a sample of what we do to help in your own enforcement efforts, please call us at 609/530-8838.

Source: Vivian Lopez
Chief, Bureau of Regulatory Affairs ❑

Mechanical Inspector License: How is it working?

The mechanical inspector license was approved for use May 3, 1993, and now, five months later, there are almost 100 mechanical inspectors. How it is working has to be one of the best-kept secrets. We haven't heard from a single town—either good or bad.

The mechanical license was a very limited and unique type of license that was created to provide more efficient, lower cost inspections for mechanical equipment in use groups R3 and R4. I would like to know if it is working.

If you use the mechanical inspector's license in your municipality, please write and let me know how it works for you—well or not so well. I am interested in all constructive comments. Please send your comments to my attention at:

Department of Community Affairs
CN 816
Trenton, NJ 08625

Source: William Hartz
Chief, Bureau of Technical Services ❑

Penalties: An Effective Tool if Used Properly

Over the years, it has come to the attention of the Bureau of Regulatory Affairs that construction officials frequently do not impose penalties pursuant to *N.J.A.C.* 5:23-2.31 (b) 3 and 4.

The most common mistake is the imposition of a daily penalty when the regulations specify a weekly penalty. *N.J.A.C.* 5:23-2.31(b)3 allows a daily penalty *only* in conjunction with a validly issued stop work order. You may be tempted to impose a daily penalty in order to obtain compliance with the Uniform Construction Code; however, if your notice is brought to the attention of the Bureau, we will advise the complainant that the regulations were improperly cited.

If used properly, violation notices and penalties can be an effective tool in the enforcement of the Uniform Construction Code regulations. If you have any questions about penalties, contact the Bureau at 609/530-8862.

Source: William Ferguson
Bureau of Regulatory Affairs ❑

NAFTA Affects Code Enforcement

NAFTA, OSHA, NRTL, CSA...hold it a minute, what's all this? Technical coordination across the border? It's the coming thing—across many borders. But here's a news item involving Canada. Remember back in 1990 we announced, via Bulletin 90-1, that Canadian Standards Association certification of products used according to our construction codes is acceptable in New Jersey? Electrical components bearing the designation CSA (a specific logo of the Canadian Standards Association) are tested at one of that organization's several laboratories in order to be thus listed.

In keeping with the intent of the North American Free Trade Agreement (NAFTA), related agencies in both countries are interacting increasingly. A recent such interaction is accreditation of one of CSA's laboratories as a "Nationally Recognized Testing Laboratory" (NRTL). The United States Occupational Safety and Health Administration (OSHA) designates qualifying laboratories. The testing laboratory at Rexdale (Toronto), Ontario, was the first CSA facility to become an NRTL in December of 1992. Currently, OSHA is performing evaluations of the other CSA testing labs as a final step toward their accreditation as well.

So now you know about one of the trickle-down effects of NAFTA upon code enforcement. To write, call, or send a FAX to CSA, you may use these contacts:

Canadian Standards Association
178 Rexdale Boulevard
Rexdale, Ontario M9W 1R3
Telephone: 1 416/747-4270
FAX: 1 416/747-2475

Source: E. Maria Roth
Code Specialist, Bureau of Technical Services ❑

DCA Notes

1. The Fire Protection Inspector RCS license ceased to be valid as of July 31, 1993. This license and all dependent licenses (e.g., Fire Protection Subcode Official) have been deleted from our records. These records have not been destroyed but are filed as expired licenses.

2. Municipal Rosters: Each municipality recently received a printout listing the construction official and subcode officials for that municipality. This printout will be produced twice a year to ensure accuracy of the municipal classification. The construction official must review, sign, and return this roster to DCA. All changes must be documented by attaching the appointment or resolution. Also, when on-site agencies are listed, the subcode official assigned to that municipality must also be listed.

3. Late Renewal Fees: Late renewals of UCC licenses are becoming more of a problem both to DCA and to the inspector paying the fee. *N.J.A.C.* 5:23-5.21(e)2 requires that a "late renewal application shall be accompanied by the appropriate renewal fee and an additional late fee of $43.00 per year or fraction thereof."

Renewal forms are mailed out 75 to 90 days in advance of the expiration date of your license. If we receive the form back from you *after* that expiration date, a late fee is required. In addition, the Department offers over 200 seminars per year. If you have not satisfied your continuing education requirement, your license will not be renewed and a late fee will be required.

Your license is your responsibility and it is your responsibility to renew it on a timely basis.

Source: William Hartz
Chief, Bureau of Technical Services ❑

UCCARS Bulletin Board: Check Weekly!

Municipalities transmitting electronically on the UCCARS System—please check the UCCARS Bulletin Board on a weekly basis. We often place open seminar information, code adoptions, and other timely notices on the Bulletin Board.

Twice a year we place the upcoming seminar schedule on the Bulletin Board to give the working officials in municipalities advance notice. This information usually appears about 10 days before the seminar information is mailed out.

To print from the Bulletin Board, just touch the "print screen" key. If you are having trouble accessing the Bulletin Board, call Larry Wolford at 609/530-8835.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Using UCCARS

During the past few months, all System II installations have been upgraded with a new version of UCCARS. Next time you log onto UCCARS, check the title screen—it should say, "Release 4.34" near the bottom.

One important new feature this release provides is the capability to issue a permit for both New Building and Alteration. The impetus for changing UCCARS to allow entry of this combination was the increasing number of modular structures that most offices have been encountering, and the way permit fees for modulars are calculated.

Fee calculation for modulars often causes problems for System II users. If a basement is involved and the volume of the basement can be used as the basis for setting the permit fee, all is well. Likewise, if the structure is placed above a crawlspace, the fees are generally based on the volume of the crawlspace. If the structure is to be installed on a slab, however, there is little or no real volume that can be used for determining the fees. Many offices were incorrectly entering these permits as Alterations just to facilitate fee calculations, and in so doing were introducing errors into construction statistics.

This is where the flexibility of being able to check off both New and Alteration on the same UCCARS screen comes in—you can now properly register this structure as a New building while still collecting the applicable permit fees. By checking New, you can enter the correct Federal Census Number and the number of Housing Units gained. By also checking Alteration, you can trigger the "cost per thousand" fee calculation mechanism. Permit fees are then automatically calculated based on the cost of site preparation work which is entered as the Cost of Alterations.

Alternatively, the flexibility of issuing the permit with this combination of work types enables you to manually enter the permit fee in the Other field, if you wish. This covers municipalities that charge a flat fee for industrialized buildings.

Remember that when you check State-Approved or HUD-Approved Industrialized Buildings, UCCARS lets you enter a number other than zero for the Cost of New Building Work; and that if you check Alteration you must likewise enter a non-zero number for the Cost of Alterations.

Source: Stan Kosciuk
President, Municipal Information Systems, Inc.

Telecommunication Wiring Exemption

On February 16, 1993, regulations became effective allowing the Board of Electrical Contractors to issue "an exemption from the license and business permit requirements of *N.J.S.A.* 45:5A-9(a) to a business engaged in telecommunication wiring." Although the regulations have been adopted, the Division of Consumer Affairs, Board of Electrical Contractors, has not issued any identification cards for this exemption.

Code Officials: do not require this exemption card before issuing a permit because it does not exist. We will provide more information when the exemption is available.

For those who would like more information on how to obtain the exemption, write to:

Board of Electrical Contractors
P.O. Box 45006
Newark, NJ 07101
or call 201/504-6410

Licensing versus Permitting

It used to be that the line separating licensing from permitting in the plumbing field was pretty blurry. In other words, you could generally assume that plumbing work requiring a permit also required a master plumber's license. Well, a couple of recent rulings by the Master Plumbers Licensing Board and the DCA have washed that assumption down the drain.

The first change was the DAG's opinion that work done outside of the building would not require a license. However, under the UCC, this work still *does* require a permit.

The more recent change deals with the Department's proposal on ordinary repairs. In its list of ordinary repairs (i.e., not requiring a permit), the Department has included work that extends beyond what the licensing board feels is allowable without a license. Therefore, although this work does not require a *permit*, a licensed master plumber must perform the work. (The exception would be a homeowner working on his or her own dwelling.)

It is important to remember that work requiring a license does not necessarily require a permit, and *vice versa*. For additional information on this topic, please call the Code Assistance Unit at 609/530-8793.

Source: Michael Baier
Code Assistance Unit

SDR-35 Opinion Forthcoming

Several inspectors and manufacturers have cited some ambiguity with respect to changes to Section 3.5.4 and 3.7.5 in the 1993 *National Standard Plumbing Code.* These changes required plastic piping to be either Standard Dimensional Ratio (SDR) 26 or heavier, or have a pipe stiffness of PS-46 or stiffer. The ambiguity arises with plastic sewer pipe manufactured to ASTM D-3034. This PVC material, when manufactured with SDR of 35 (which is lighter than SDR-26) has a pipe stiffness of 46.

The issue was raised at the recent NSPC Code Change Hearing held in Fairview Park, Virginia. At the meeting, it was agreed that the staff of NSPC would issue an opinion clarifying whether SDR-35 pipe having a pipe stiffness of 46 was acceptable. The initial response was that it would be acceptable.

When the Department receives notification that the issue has been settled, we will share the result with you.

Source: Michael Baier
Code Assistance Unit ❑

Industrialized/Modular Buildings: Site Plan Preparation

There appears to be some confusion amongst code officials over the provisions of *N.J.A.C.* 5:23-4A.11(a)3 (Industrialized/Modular Buildings and Building Components) and *N.J.A.C.* 5:23-2.15(e)1 vii (Administration and Enforcement). Section 4A.11(a)3 stipulates that the detailed plans for any site work associated with installation of modular buildings shall be prepared by an architect or engineer licensed pursuant to law in the State of New Jersey. The provisions of Section 2.15(e)1 vii, however, give a single-family homeowner the right to prepare his or her own plans for such construction, wherein the construction official shall waive the requirements for sealed and signed plans by an architect or engineer.

The above is true for on-site work related to installation of a manufactured (mobile) home, as well (please refer to Bulletin 80-6). If you have questions on this issue, please call Paul Sachdeva at 609/530-8837.

Source: Paul Sachdeva, P.E.
Manager, Industrialized Building Unit ❑

Elevator Devices: Alterations

Recently, we have received a few questions about the alteration of elevator devices, specifically in regard to the plan review requirements for alterations to existing elevators. Sections 12.8 (b) and (c) of the New Jersey *Uniform Construction Code* address these issues. Alterations of elevator devices are defined in ASME A17.1 *Safety Code for Elevators and Escalators,* which further classifies them as "minor work." It appears that the confusion stems from the industry use of such terms as "modernization," "major alteration," "rehabilitation," "upgrading," etc., of elevator devices. For the purpose of applying the UCC, such terms are really referring to alterations, and, therefore, are considered "minor work," within the meaning of *N.J.A.C.* 5:23-2.17A. Hence, such work does not require any plan review.

Source: Paul Sachdeva, P.E.
Manager, Elevator Safety Unit ❑

New Jersey Register Adoptions

Date	Adoption
6/7/93	25 NJR 2519(b) Asbestos Hazard Abatement Subcode Adopted Amendments: *N.J.A.C.* 5:23-2.17, 8.1 and 8.2. Adopted Recodification with Amendments: *N.J.A.C.* 5:23-8.3 through 8.11, 8.13 through 8.20 and 8.22 through 8.24. Adopted New Rule: *N.J.A.C.* 5:23-8.19. Adopted Repeals: *N.J.A.C.* 5:23-8.12 and 8.21. Effective 6/17/93.
7/6/93	25 NJR 2862(a) Notice of Administrative Correction Asbestos Hazard Subcode: Effective Date; Variation Application Fee: *N.J.A.C.* 5:23-8.4.
7/19/93	25 NJR 3147(a) Construction Permits-Application Prototype Plan Review Adopted Amendments: *N.J.A.C.* 5:23-1.6, 2.15 and 4.18, effective 7/19/93.
9/7/93	25 NJR 4072(a) Prior Approvals-Abandoned Wells Adopted Amendments: *N.J.A.C.* 5:23-1.4, 2.16 and 2.17, effective 9/7/93. 25 NJR 4073(a) Certificate of Occupancy Requirements Adopted Amendment *N.J.A.C.* 5:23-2.23, effective 9/7/93.
9/7/93	Please note this important PROPOSAL, not adoption, of the amendments to the 1992 and 1993 Uniform Construction Code adoptions: 25 NJR 3891(a) Subcodes Proposed Amendments: *N.J.A.C.* 5:23-2.6, 2.14, 2.23, 3.2, 3.4, 3.8A, 3.11A, 3.14, 3.15, 3.16, 3.17, 3.18, 3.20, 3.21, 4.3A, 4A.8, 4A.11 and 12.2. Proposed Repeal: *N.J.A.C.* 5:23-3.20A.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services ❑

New Jersey Model Code Adoptions

Building Subcode (BOCA)	Electrical Subcode (NEC)	National Energy Conservation (BOCA)	Fire Subcode (BOCA/ NFiPA)	Mechanical Subcode BOCA)	Plumbing Subcode (NSPC)	1 & 2 Family (CABO)	Effective Date
1975	1975		1975		1975		01/01/77
1976/S			1976/S				12/01/77
1978	1978		1978		1978		10/01/78
1981	1981		1981		1980		05/07/81
1983/AS			1983/AS		1981/82/S		02/22/83*
1984	1984		1984	1984	1983		08/06/84
1985/S			1985/S	1985/S			04/01/85
						1983	07/01/85
					1984/85/S		02/03/86
1986/AS			1986/AS	1986/AS			09/22/86
1987	1987		1987	1987			04/01/87
					1987	1986	09/21/87
1988/S			1988/S	1988/S			06/20/88
						1987/88/A	08/15/88
		1987					09/06/88
					1988/S		02/06/89
1989/AS			1989/AS	1989/AS	1989/S		11/01/89
						1989	05/21/90
1990	1990	1990	1990	1990	1990		07/01/90
1991/S			1991/S	1991/S			03/04/91
					1991/S	1990-91/A	05/20/91
1993	1993	1993	1993	1993	1993	1992	05/01/93

S = Supplement
AS = Accumulative Supplement
* = Operational Date
A = Amendments

Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Stephanie R. Bush, Commissioner

Volume 5 Number 4

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Load Management Devices

During the last three years, thousands of load management devices have been installed throughout New Jersey. These are devices installed by the utilities to control the use of electrical equipment, such as air conditioners, during peak use periods.

The devices and the fee inspection procedures established for these devices have worked very well. What has not worked is the mountain of paperwork that is involved. In one municipality, 7,000 devices were installed during a five-month period. This required the municipality to accept and process 7,000 permit applications.

In January 1994, new load management regulations were adopted that simplify the procedures. Please review these regulations in the *New Jersey Register*. Below is a summary of the hanges.

1. All devices installed during that week, by a single contractor, shall be included on a single permit. Often this means only one permit application instead of 300.
2. The owner of the permit is the utility, and the block number is UCC 2.18 and lot A.
3. The utility or contractor shall provide a list of every installation with the permit. This list will include the owner's name and address, block and lot, date of installation, type of devices installed, and the contractor's name.
4. The municipality shall inspect 30 percent of the installations performed and the utility shall pay 30 percent of the permit fees due. There is no change to this section of the regulation.
5. A single Certificate of Approval shall be issued for all devices on a single permit.
6. The Department has established a fee for each load management device. Municipalities not using onsite agencies shall establish their own fees.
7. It may be necessary to collect a DCA training fee. For example, you have 300 devices on one permit, each device has a value of $110; you inspect 30% of them and the training fee for alterations is $0.0008. Therefore, the training fee is 300 x $110.00 x .30% x $0.0008 = $7.92, or an $8 training surcharge.

I think you will find that all inspection and life safety issue have been taken into consideration, and that the biggest change is the elimination of hours and hours of paperwork.

Source: William Hartz
Chief, Bureau of Technical Services ❄

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CHARLES M. DECKER, 51
Building Codes Pioneer

Charles M. Decker, Jr., 51, died October 21, 1993, at St. Barnabas Medical Center in Livingston.

Mr. Decker was well known for his contributions to building safety in New Jersey and throughout the United States. He led New Jersey's building safety efforts since 1975 while serving as director of construction code in the Department of Community Affairs. He designed, authored and implemented the state's highly regarded *Uniform Construction Code* and authored its *Uniform Fire Code*. Such groups as President Reagan's Commission on Housing and the United States Business Roundtable recognized his efforts as having placed New Jersey in the forefront of building safety nationally.

A leader in the building safety profession at the national as well as the state level, he served as president of Building Officials and Code Administrators International, an organization of building safety professionals, and led its code development efforts for many years as chairman of its Code Change Committee. He was vice chairman of the National Institute of Building Sciences, a corporation created by Congress to advance building and technology and safety. He also served as a member of the Life Safety Code Committee of the National Fire Protection Association, chairman of the National Board for Coordination of Model Codes, and as an officer of the Council of American Building Officials, as well as being a member of numerous other building code organizations.

Mr. Decker led efforts to establish a single national building safety code and strengthen enforcement of safety codes at all levels of government. A 1965 graduate of Syracuse University School of Architecture, he was a registered architect and served on the State Board of Architects. His efforts were recognized by many organizations across the country, most significantly Building Officials and Code Administrators International, which conferred on him its highest recognition, the Walker S. Lee Award, in 1982.

Mr. Decker is survived by his wife, Susan Lenz Decker, two daughters, Betsey Lynn Walters and Kelly Eileen Decker, his parents, Bernice and Charles M. Decker, Sr., two sisters, Dr. Linda Lee Decker and Peggy McCormick. Contributions may be made to the attention of Catie Riley, Appalachian Mountain Club, 5 Joyce Street, Boston, Massachusetts 02108, in memory of Charles M. Decker, Jr.

Violations: The Code Should be Cited

Some builders have complained that while citing code violations during an inspection and the plan review for a project, the code officials do not cite the specific code sections. When requesting specific code citations they got the following answers:

"Something doesn't look right."
"It's implied."
"That's the way I've been doing it for 15 years."
"Look for yourself, it's right in the code book."
"I guess so."
"Get to your architect."
"I heard it in a seminar."
And so on.

The fact is, these are not good answers. Code officials should identify the violations with the pertinent section numbers on the Not Approved sticker (F230B) in the comments section. *N.J.A.C.* 5:23-2.18(e) requires you to list all discrepancies and violations in your reports. Since these are public records, save yourself time and effort and list the reason for failure and the citation on the Not Approved Sticker. If you would like help with a particular situation, call the Bureau of Technical Services at 609/530-8793.

Source: William Hartz
Chief, Bureau of Technical Services ❄

BOCA's Certification Maintenance Program: An Update

When the BOCA Certification Maintenance Program was announced last year, BOCA received many requests for clarification regarding what constitutes "acceptable" continuing education. Another frequent question was, "What constitutes one hour of continuing education?" During the past year, BOCA's Training Services Committee addressed all the questions that were asked and prepared a comprehensive recommendation to the BOCA Board of Directors. The Board, in turn, accepted and established the committee recommendations September 18, 1993, at its Board of Directors Meeting in Atlantic City, New Jersey.

The Certification Maintenance Program applies to all categories of certification offered by BOCA and to all persons currently certified by BOCA, as well as candidates who have requested certification and are awaiting testing. Certification with BOCA is maintained (renewed) at the end of each certification maintenance cycle by fulfilling one of two options:

1. Completion of 15 hours of continuing education or continuing education equivalent for each BOCA certificate held. The maximum number of hours required is 45, regardless of the number of certificates held. Or,
2. Successful completion of the examinations required for initial certification in the category or categories to be maintained.

For persons certified before January 1, 1993, the start-up certification maintenance cycle is two years. Certificate holders in this category may use continuing education obtained since January 1, 1990.

For newly issued certificates, the certification maintenance cycle is three years from the date of issuance of a BOCA certificate. When a certificate is renewed, the certification maintenance cycle is three years from the date of renewal.

Many terms have been defined in the context of certification maintenance:

Continuing Education

Training or education activities whose objectives include providing relevant professional skills and knowledge beyond those required for initial certification.

Hour of Continuing Education

One clock hour of interaction between learner and instructor.

Acceptable Continuing Education

This term is used to identify the training activities which may be used toward certification maintenance and renewal. It includes, and is limited to:

1. Continuing education delivered, offered, or sponsored by a BOCA chapter when the chapter has complied with the requirements for chapter accreditation as established by the BOCA Training Services Committee.
2. Continuing education delivered, offered, or sponsored by an accredited academic institution. For purposes of this policy, an accredited academic institution is a high school, community college, junior college, college, university, technical or vocational school, or similar institution.
3. Continuing education delivered, offered, or sponsored by BOCA International.
4. Continuing education delivered, offered, sponsored, or approved by a state code enforcement, certification, or licensing agency for delivery within that state, and whose procedures have met the requirements for accreditation under the program established by the BOCA Training Services Committee for that purpose.
5. Continuing education delivered by a "Certified Provider" under the program available through the International Association for Continuing Education and Training.
6. Attendance at and participation in BOCA code change hearings (not to exceed 5 hours credit for each semiannual hearing).

The Board of Directors is confident that the Certification Maintenance Program will enhance the credibility of BOCA Certification and will allow code officials to continue to demonstrate and prove their competence in code enforcement.

Source: Kathleen Mihelich
Vice President, Human Resource Development
BOCA International ❄

Late Fees for License Renewal

Inspectors whose licenses are due to expire on January 31, 1994, take note! To have your license renewed, you must send in your renewal form with the $43 fee, and you must have fulfilled your continuing education requirement! If you have not taken all the seminars you need to renew, you will be assessed an *additional* $43 late fee before you can participate in any training next year.

DCA Notes

Elevator Interim License

The Department is proposing a change to the elevator licensing requirements. Present requirements in *N.J.A.C.* 5:23-5.4(g)2 allow those working as elevator inspectors on June 30, 1992 to continue to work without an elevator license until June 30, 1996. The proposed change would require all those unlicensed inspectors to document to the Department that they were employed on June 30, 1992. They would then be registered. Individuals who have also completed the course and test requirements would be eligible to receive an interim elevator inspector's license until the experience requirement is met. Please check the *New Jersey Register* for the details of this proposal.

DCA/BOCA Certification

Below is an article by Kathleen Mihelich of BOCA International on the BOCA Recertification Program. Susan McLaughlin, Supervisor of the DCA Education Unit, has already submitted New Jersey's application to BOCA for approval. If approved, this means all NJDCA-approved seminars are automatically approved by BOCA for recertification. As you know, BOCA Certification is not required for your New Jersey UCC license, but if you hold a BOCA Certification and wish to be recertified, you may use the same NJDCA courses for BOCA that you used for your UCC renewal.

Source: William Hartz
Chief, Bureau of Technical Services ❁

Inspection Stickers: Use Them!

Believe it or not, inspection stickers have a purpose other than sitting in your car or on the office shelf; please use them. *N.J.A.C.* 5:23-4.5(b) Municipal Enforcing Agencies, Administration and Enforcement–Forms, lists the standardized forms that are *required* for use by a local enforcing agency. "Approved" and "Not Approved" stickers are among them.

On the practical side, the stickers are intended to inform the builder, agent, or property owner a) that you showed up and performed an inspection, and b) the results of the inspection—approved or not approved and why. Leaving a sticker will cut down on phone calls to your office inquiring whether a specific job passed or failed. It will also reduce phone calls to our office from property owners questioning whether inspections were done, reasons for failure, etc. The more information you provide on th sticker, the better.

One reason code officials tell us they avoid stickers is that it takes time to fill them out. Another reason some officials hesitate to use them is that contractors may be hassled by property owners who see a red sticker. Neither of these is an excuse for disregarding the UCC regulations. The sticker is very easy to fill out, and will save you plenty of time and aggravation later. If you frequently need to make several comments, the sticker can be incorporated with the Inspection Notice, an optional form which provides more room for comments. So please take the couple of extra minutes and use the stickers. You will find it worthwhile in the long run, in that it saves you time and may prevent a complaint to the Bureau.

Source: Gerald Grayce
Bureau of Regulatory Affairs ❁

To Tell the Truth: FRT Roof Sheathing

During the mid 1980s, New Jersey experienced an uncommon building boom. Tens of thousands of condominium and townhouse units were built in a record period of time. Because of the reported failure of fire retardant treated (FRT) plywood roof sheathing, the Department has had a unique opportunity to evaluate the construction practices which took place.

The New Home Warranty and Builders' Registration Act (*N.J.S.A.* 46:3B-1 *et seq.*) was amended to assure the owners c new homes with defective FRT plywood roof sheathing of warranty protection, regardless of the warranty plan in which their homes were enrolled. This legislation was enacted to provide a timely remedy for major structural defects that result from the failure of FRT plywood.

After nearly 1500 roof inspections, we have found the following construction deficiencies to be all too common:

1. Roof trusses were installed exceeding the 24 in. on center, which caused roof sheathing buckling.
2. In the area where FRT plywood was installed four ft. from the firewall by code, skylights, fireplace chimneys, "B" flues, plumbing stacks, clothes dryers, bathroom exhausts, and passive vents penetrated the FRT plywood, which is in violation of the code.
3. "H" clips were not installed, though specified by the manufacturer.
4. Nailing schedules for FRT sheathing were not followed. In many instances, nails exceeded the limit in inches so that the plywood was not secured to the trusses. Also, in some cases the roof sheathing did not rest flush on the trusses.
5. In some cases, the entire roof was constructed of FRT roof sheathing.
6. Ridge vents were not properly sized as per BOCA code, ar were in some instances blocked by felt paper or roof sheathing.

Clothes dryer vents and bathroom exhaust vents terminated in attic. These vents, by code, must terminate to the exterior. In addition, owners of units altered roof trusses to provide for additional living and storage space, weakening the trusses and roofs.

If anyone tells you that a building inspector is not necessary to ensure minimum quality in construction, please show them this article. As you have seen, if the building official is not checking, the job's not being done right.

Source: Tom Andreas
FRT Claims ❄

Technical Assistants Deserve More Recognition

What would happen if your technical assistant/control person stopped coming to work?

What would happen if your technical assistant/control person became ill for an extended period of time?

How much do you depend on your technical assistant/control person?

How do your city fathers view this position?

Could someone off the street (a clerk-typist) step into this position and your office not suffer?

Is your technical assistant/control person paid in proportion to the work performed?

If we construction officials try to answer these questions, it can be a frightening proposition.

I work in a municipality that is civil service and union, and neither views this position as more than a clerk-typist. Yet, we know the job responsibilities are far more than that. It is long overdue that people in this position be recognized and respected for their importance to the construction office. Currently, DCA is working to establish updated titles and specifications for the technical assistant/control person, but we construction officials need to let civil service, our city fathers, and DCA know the importance of this position.

These people are professionals. Let's get them the titles, respect, and pay they deserve. Evaluate your people and what they do. Push for establishment of updated titles and specifications. Let's not continue to take these people for granted.

Source: Kevin J. Kirchner
City of Vineland and Twp. of Deerfield ❄

Floor Tile Removal

Friable removal of floor tile in buildings under Subchapter 8 (daycare centers; public and private schools; colleges and universities; municipal, county, and state buildings; and those buildings eased by the government or regularly occupied by government workers) is controlled by Subchapter 8. According to the Subchapter, if asbestos-containing floor tile is removed in a *non*friable way, it is exempt from other requirements in the Subchapter.

The Department has had some difficulty with ASCM firms who have attempted to do nonfriable removals with only scrapers. There may be some instances in which floor tiles are in excellent condition, and the mastic holding them is so weakened that the tiles can be lifted, without breaking, and easily removed. This is not always the case. The amount of tile breakage which occurs during floor tile removal and the manner in which the material is treated can render a removal friable. In general, the Department considers scraping and breaking up tile without wetting or taking other precautions to be a friable removal.

The Department has noted a recent trend among some ASCM firms to improperly quote and rely upon a USEPA discussion of floor tile and breakage from the *Federal Register* dated 11/20/90. Even the federal materials distinguish between floor tile "...in good condition..." which "...can be broken by hand into a few large pieces..." and "...floor tile that has lost its structural matrix, is in poor condition and can be broken into many small pieces in one effort." The latter case is subject to friable removal.

While many inquirers have sought to get the Department to give the last word on floor tile, there is no last word. Each job site must be evaluated based on the tile, its age, its condition, and the removal technique. If no equipment or supplies other than scrapers are at a site, a DCA inspector will be concerned that a removal may, in fact, be friable. If tiles in place or already bagged are brittle and crumbly, the inspector will note that the material is friable.

Our inspectors have found vinyl asbestos floor tile (VAT) removals this summer in which chipping and scraping was the only method used, in which ACM materials were not wetted, and in which air samples taken on site showed impermissible fiber counts. The actual percentage of asbestos in tile may be key to whether fiber counts are high.

Finally, if VAT is broken to such an extent that it is clearly friable before workers arrive on site, the removal of these broken, already friable tiles is probably friable. Neither the Department nor the misquoted EPA has ever stated that all breakage of nonfriable materials is safe when done without controls and precautions. For an ASCM firm or an AST to suggest this, the firm must misread both the *Federal Register* and Subchapter 8 in a blatantly self-serving way, and to fail to exercise the discretion a knowledgeable ASCM firm and/or AST is supposed to exercise to protect the health and safety of New Jersey's citizens and visitors.

An official who finds floor tile being friably removed without a permit should call the Department's Asbestos Unit at 609/530-8812. It is possible to issue a stop work order if necessary.

If there is any question about what is occurring at a site, an official should ask for the help of one of the Department's asbestos inspectors who can visit the site and determine whether a Subchapter 8 permit and containment requirements are necessary.

Source: Chrystene Wyluda
Supervisor, Asbestos Unit ❄

Elevator Devices and Layout Drawings

The Elevator Safety Unit has received many inquiries from subcode officials, owners, elevator industry, and consultants concerning the type of technical information which is required for elevator plans submitted along with the application for a construction permit. This article will clarify the requirements.

Industry practice may confuse layout drawings, shop drawings and plans. As per the *Uniform Construction Code*, the application for the permit, except a permit for minor work, is required to be accompanied by specifications and plans. There are a minimum of two copies of specifications, plans, and other supporting information as may be required by the reviewing agencies which shall be submitted. When the Department reviews plans, a minimum of three sets is required.

Also, the regulations stipulate that all this information must be signed and sealed by a registered architect or licensed engineer as defined by the statutory requirements of the professional registration laws of this state. The signature and seal are required to be affixed to each sheet of each copy of the plans and on the first or title sheet of the specification and on additional supportive information submitted (*N.J.A.C.* 5:23-2.15 (e) 1.vii).

N.J.A.C. 5:23-2.15(e) 1 requires that the plans be drawn to scale and include information that is necessary to assure compliance with the requirements of the codes. *ASME A17.1-Safety Code for Elevators and Escalators* refers to such plans as layout drawings. Thus, layout drawings shall serve as plans for verification for compliance with the applicable requirements in the Uniform Construction Code, ASME A17.1, BOCA, and other applicable governing codes in effect. *N.J.A.C.* 5:23-2.15(e) 1.vi allows for additional engineering information to be requested by the appropriate subcode official when it is deemed necessary to assure code compliance. When additional information is required, then it may consist of, but is not limited to, shop drawings which give great detail of elevator device components, computations, diagrams, etc.

A bulletin is planned with more detailed information on requirements for elevator plan review.

Source: Paulina Caploon
Bureau of Codes Services ❄

More on Telecommunications Wiring Exemption

In the fall 1993 issue of the *Construction Code Communicator*, code officials were advised not to insist on seeing an identification card from the exempt contractors applying for a permit for telecommunications wiring installation work. The Board of Examiners of Electrical Contractors recently informed DCA that the Board has started issuing Telecommunications Wiring Exemption letters in lieu of the identification cards, which are in the process of being printed. Each exemption letter must be an original, with the Board's seal and the executive director's signature.

The Board anticipates beginning to issue the Telecommunications Wiring Exemption cards by the end of this year. Thereafter, code officials will be required to see identification cards only. Code officials are advised to review the definition and details of Telecommunications Wiring set forth in *N.J.A.C.* 13:31-1.17(a) to (c), as to what is covered and what is not covered under the exemption. It is important to know that this exemption is not applicable to installations in hazardous/classified areas.

If you have questions concerning this matter, call the State Board of Examiners of Electrical Contractors at 201/504-6410.

Source: Ashok K. Mehta
Principal Engineer, Code Assistance Unit ❄

Elevators and Nonconforming Materials

Elevators are complex mechanical devices and are installed based on established industry practice as required by codes. As with all construction, procedures are available to allow for the use of new technologies through the procedure established at *N.J.A.C.* 5:23-3.7 Municipal Approvals of Nonconforming Materials.

Sometimes, subcode officials become concerned about this responsibility and the authority to give such approval. The subcode official is required to review such nonconforming material based on proof that the material will perform in the same way as the conforming material. The UCC outlines the normal practice of requiring research and investigations with supporting documentation. These written documents must give satisfactory proof of performance before a subcode official can give approval. Therefore, these documents become part of a file which is kept to document this approval. The documents clearly place the responsibility for the materials performance on the owner, supplier, manufacturer, or installer who is requesting that such nonconforming material be used.

An elevator subcode official should consult the appropriate A17.1 regulation to see if there is any specific guidance as to prohibition or testing requirements for nonconforming materials. For example, ANSI A17.1-201.1a discusses buffers and allows for spring, oil, or equivalent type. Therefore, you could require someone who is supplying a nonconforming buffer to give you documentation that indicates the buffer's equivalence to the buffer type for which it is being substituted under the regulation.

Also, ANSI A17.1-212.9a(2) allows for other types of rope fastenings and gives specifics as to what tests or design criteria these other fastenings must meet. Under this section, laboratory tests are required to assure equivalence, and the official should make sure that a direct reference to the appropriate code is part of the test results.

The subcode official, if he/she follows the procedure, accepts no more liability for the materials performance than for approving conforming material. The key is adequate support documentation prior to approval.

Source: Richard Osworth
Chief, Bureau of Codes Services ❄

Using UCCARS

The majority of the UCCARS user community sends permit and certificate information electronically to DCA via modem each month. Some offices do not have a modem. A few have a modem but cannot get it working. Remember that if your office issues more than 200 permits per year, you have until December 31 to start your monthly transmissions.

If there were an element of computing that could fall under the category of black magic, communications would be it. When set up properly, your computer system will perform the task of sending your reports to DCA flawlessly, month after month. Depending on your computer system and your level of technical expertise, you might have had a frustrating time setting it up. But be assured that we have never seen an installation for which communications could *not* be set up, regardless of the complexities of the computer system or the network.

There are many processes that must mesh properly for the function of communications to take place. And there are internal conflicts that can occur within your computer, preventing it form communicating with the outside world. If you or your vendor cannot get your modem working, that's no excuse for not transmitting. It can be done. Problems are sometimes caused by defective modems, or by the installation of high speed sophisticated modems that are not set up correctly. Or somebody installs a modem in a way that it conflicts with another device already in the computer...or vice versa. The UCCOMM communications setup program sometimes is not run according to instructions. At times we have found the wrong Crosstalk program (Mark IV) installed, rather than the correct Crosstalk XVI program; and newer faster computers often need the current version of Crosstalk-older versions may not work. We've also seen the UCCARS and/or Crosstalk programs installed in incorrect directory structures. Last but not least, are you sure your phone line works?

Let's examine what happens in a properly set up computer at the end of the month. At the main menu of UCCARS, when you select the option 'Send Data to DCA', UCCARS scans your entire database for permits and certificates that have not yet been sent. The data you had entered for these permits and certificates are copied from your UCCARS database and are reformatted into a special data file that DCA's computers are set up to accept. UCCARS then instructs your computer to execute the Crosstalk communications program. Crosstalk immediately reads special instruction files stored in your computer. These files contain information that instructs Crosstalk to place a telephone call via the modem to DCA's computer, and to transmit the data contained in the newly created UCCARS data file from your hard disk through the modem and over the telephone line into the computer at the other end. When this data file has sent and received correctly, DCA's computer sends a message to your computer acknowledging receipt. The Crosstalk program then terminates and UCCARS regains control of your computer. Next, UCCARS re-scans your permit database and marks off those permits and certificates that were just now successfully sent to DCA's computer. That way only the new entries will be selected for transmission next time.

Sometimes during transmission of your data you will see the number of blocks with errors increasing. These are not blocks relating to blocks and lots, but rather chunks, or "blocks," of data that are sent one at a time. When each data block is received at the other end, DCA's computer is able to detect whether any of the data has been altered during transmission. If it has, your computer is requested to retransmit that particular block of data. If the phone line has become noisy and many blocks become garbled, you will see the error count rapidly increasing. When that happens, it is best to terminate the communications session and try again.

Once your computer is set up properly and you have been transmitting data each month, what can go wrong? Not much. The modem might fail. The telephone line might go bad or simply get unplugged. Or somebody might have added a mouse or a new application on your computer and inadvertently disrupted the communications setup. Any of these problems can be easily resolved.

When setting up your communications initially on your computer, you must have a Hayes modem installed, a copy of the Crosstalk XVI communications program loaded, and a telephone line connected. In addition to the UCCARS program, you must also have a copy of the UCCOMM program and its instructions which you received at the training class. Remember the special instruction files that tell Crosstalk what to do and how to do it? These are automatically created by UCCOMM. When you run UCCOMM, you provide information on how your modem is set up, what speed it runs at, what serial port it connects to inside your PC, and the way DCA's telephone number must be dialed from your location. Once these items are specified, UCCOMM takes over and does the rest.

And after the communications setup has been established on your computer, you never have to do worry about it again. If all goes well (and it usually does), your computer will do all the steps necessary to send your reports to DCA month after month. All you have to do from now on is to select 'Send Data to DCA' from the main menu, then sit back while your computer does the rest.

Source: Stan Kosciuk
President, Municipal Information Systems, Inc. ❄

Special Notice

Neither a Letter of No Interest nor a Stream Encroachment Permit relieves the municipality from enforcing the Flood Damage Prevention ordinance *nor* the construction official from enforcing the flood resistant construction requirements listed in the *BOCA National Building Code*. Letters of No Interest and Stream Encroachment Permits are just two of the many prior approvals needed to administer and enforce the requirements of the flood damage prevention ordinance.

If you have any questions, please contact Bruce Wallauer, NJDEPE, NFIP Community Assistance, at 609/292-2296.

Ordinary Repairs

Ordinarily, I get to choose what I write about. But, in this case, I was assigned to write an article on the new rules concerning Ordinary Repairs (see October 4, 1993 *New Jersey Register*, 23 NJR 4592).

Without spending a inordinate amount of time, here are the highlights.

Building: Things remained fairly orderly here... the main change was a clarification that egress windows and doors may be replaced, as long as they don't reduce the original opening. That is, they don't have to be upgraded to present code.

Plumbing: Changes here really sent the ordinance flying. The major change was an exception to allow a water closet or a lavatory or a sink in a single-family dwelling to be replaced without a permit. The replacement of clothes washers and dishwashers was also added.

Electrical: No big ordeal here. The changes clarified the application of existing rules by not requiring a permit for telephone wiring in one- and two-family dwellings. A permit is not required for telephone wiring in other occupancies if the work does not involve the penetration of a fire wall and is not located in a hazardous location. The replacement of dishwashers and kitchen range hoods were also added.

Fire: Nothing added or deleted.

HVAC: The replacement of packaged air conditioning units was ordered out of the scope of ordinary repairs.

Elevator: In order to keep elevators from being out of order, a host of ordinary elevator repairs were added.

Source: Michael Baier
Bureau of Technical Services ❄

1993 Codes Adopted

Through a public notice in the *New Jersey Register* dated April 5, 1993, all the 1993 codes (and 1992 CABO) were adopted effective May 1, 1993. The administrative amendment proposed to these codes appeared in the *New Jersey Register* dated September 7, 1993. The grace period which gives the builder a choice to use the new code or the old code expired on November 1, 1993. The amendments to the '93 codes are scheduled to be adopted in the *New Jersey Register* issue of December 20, 1993.

In order to use the 1993 codes during the grace period and before the adoption of the amendments, the builder/code official should basically follow the same guidelines as adopted for the 1990 codes and 1991 supplement, or consult the amendment proposal in the *NJR*. If there is any confusion about the applicability of a particular section, please contact the Code Assistance Unit of the Bureau of Technical Services at 609/530-8793.

Source: Farid Ahmad
Supervisor, Code Assistance Unit ❄

Excuse Me!! Appropriate Gas Piping Systems

Everyone has problems with gas from time to time. This article will tell you where you can go to get some relief.

How do I make sure my piping system can handle my gas? That's an easy question for some of our gas piping systems, but not for all of them. The tables in the *BOCA Mechanical Code* provide information for sizing most piping systems. However, for plastic piping and the new corrugated stainless steel piping, there are no tables. This leaves you with two choices. The first is using the formula in Section M-805.4 and doing algebra for the rest of the day (week?) and probably giving yourself dyspepsia. The second is finding a table somewhere else that can be used.

The *National Fuel Gas Code* contains tables for sizing corrugated stainless steel in Part 10. Plastic piping should be sized based on manufacturers' tables, or, alternatively, the literature provided by some of the gas companies offers guidance.

Now... don't you feel a *lot* better?

Source: Michael Baier
Bureau of Technical Services ❄

New Jersey Register Adoptions

Date	Adoption
10/4/93	25 NJR 4592(a) Interpretations Ordinary Repairs Adopted Amendment: *N.J.A.C.* 5:23-2.7. Adopted New Rule: *N.J.A.C.* 5:23-9.3, effective 10/4/93.
11/15/93	25 NJR 5145(c) Minor Work; Ordinary Repairs Adopted Amendments: *N.J.A.C.* 5:23-1.4, 2.7, and 2.17A, effective 11/15/93. 25 NJR 5146(a) Municipal Enforcing Agencies; Administration and Enforcement Adopted Amendment: *N.J.A.C.* 5:23-4.5, effective 11/15/93.

Source: E. Maria Roth
Code Assistance Unit ❄

Door Size Regs: CABO vs. BOCA

CABO does not contain the "interior egress door" concept referred to at BOCA 1993 section 1017.3 Size of Doors. The only door CABO considers essential for life safety is the single exterior "required exit door" in a single-family dwelling.

Therefore, it is not appropriate to transfer the new BOCA requirements for 29-3/4 in. interior egress doors into CABO projects by using the device at *N.J.A.C.* 5:23-2.2(C). Both codes are clear on this subject.

Source: E. Maria Roth
Code Assistance Unit ❄

Mechanical Inspector Comments

In the fall edition of the *Communicator*, I requested comments on how the mechanical inspector's license was working. I was certainly disappointed in the response, but there were two comments:

Comment 1: This is a watered-down version of an important subcode with no teeth to do anything with. Make the mechanical subcode a separate subcode.

Response: It is entirely possible a mechanical subcode will someday be a reality. This mechanical license was an attempt to address what appeared to be excessive fees, because of multiple subcodes, for mechanical equipment in R3 and R4 use groups.

Comment 2: We were going to use the mechanical license, but we only wanted to use it for alteration work, not new work, since all the inspectors would be on site anyway.

Response: This is acceptable. If you use a mechanical inspector only for alteration work in R3 and R4 use groups, just include this in your fee ordinance.

There are over 100 licensed mechanical inspectors and I expect another 40 to 50 after the next test results are announced. Very few, if any, seem to be using the license, however, and I am still interested in hearing your comments.

Source: William Hartz
Chief, Bureau of Technical Services ❄

SDR 35 Opinion

In the fall edition of the *Communicator,* I mentioned that a formal position statement on the acceptability of SDR 35 pipe would be issued by the National Standard Plumbing Code. Below is a reprint of the position statement:

Approved Use of SDR 35 Pipe

The National Standard Plumbing Code (NSPC) Committee adopted changes in Chapter 3, MATERIALS, relating to the approved use of SDR 26 pipe at the August 1992 Public Hearing.

These changes originally appeared in the 1993 edition of the NSPC. In addition to the changes requiring the use of SDR 26 pipe, the Committee also made major changes to the format of Chapter 3.

Tables 3.5 MATERIALS FOR SANITARY WASTE AND DRAIN, 3.6 MATERIALS FOR VENT PIPING and 3.7 MATERIALS FOR STORM DRAINAGE were added to assist the Code user in determining the approved material to be used given a specific application. Additionally, footnotes were added to the bottom of these tables to clarify the requirements of the Code.

Confusion has occurred because of the standard cited in Table 3.1.3 for SDR Pipe. ASTM D3034 lists the equivalent pipe stiffness for SDR 35 pipe as 46 (PS-46). Tables 3.5, 3.6, and 3.7, footnote (2) require plastic sewer pipe to be classified by pipe stiffness PS-46.

The NSPC Committee formally takes the following position:

(1) SDR 35 (PS-46) pipe shall not be permitted to be used below or above ground within buildings.

(2) SDR 35 (PS-46) pipe shall be permitted to be used for sewer piping outside of buildings.

(3) Plastic DWV piping underground within buildings shall be SDR 26 (PS-100) pipe or heavier.

For further information, please call the Code Secretariat at 1-800-533-7694 or the NSPC Interpretation Office at 1-800-253-4491.

*****

If there are any questions on the statement, you can call either the number within the statement or me at 609/530-8793.

Source: Michael Baier
Code Assistance Unit ❄

All Tanked Up

So much has been written about underground storage tanks that it is becoming difficult to keep track of the information. *N.J.A.C.* 5:23-3.11B, Bulletin 88-3, Bulletin 88-8, Bulletin 91-4, Bulletin 92-2, and Bulletin 93-1 are all places where we've given information on underground storage tanks. Here is a short description of what each of these items discusses.

- *N.J.A.C.* 5:23-3.11B outlines DEPE's responsibility for underground storage tanks.
- Bulletin 88-3 states that code officials can require residential oil tanks to be removed if the tank constitutes an unsafe structure.
- Bulletin 88-8 is the DEPE checklist for code officials when installing or removing underground storage tanks that fall under DEPE's jurisdiction.
- Bulletin 91-4 outlines the allowable methods for abandoning residential oil tanks that are not under DEPE's jurisdiction. *It also specifies that only one subcode technical section is required for tank demolition permits.* The discipline is determined by the construction official.
- Bulletin 92-2 specifies acceptable leak detection and corrosion protection under the mechanical subcode. This bulletin does not apply to tanks falling under DEPE's jurisdiction.
- Bulletin 93-1 requires that when structures are converted from fuel oil to natural gas, some type of permitting activity related to removal of the fuel oil tank, vent, and fill pipes must also be submitted.

Source: Michael Baier
Code Assistance Unit ❄

Common Misconceptions

Recently, I participated in a discussion regarding some code issues not being uniformly enforced. This meeting included representatives of the New Jersey Builders Association and the Building Officials Association of New Jersey. In an effort to clarify two of the issues raised, I will cover them in this edition of the *Communicator*. I intend to address other issues (and there are several) in future editions.

First is the issue of whether drywall is required in a nonrated, floor-ceiling assembly above heating systems/units. The current adopted codes do not require drywall to be installed above the heating system; e.g., gas or oil-fired boiler or furnace. Manufacturer's installation specifications typically do not require drywall either, but do require a specific minimum clearance between the top of the unit and combustible materials. Should the unit not comply with manufacturer's clearance specifications, Chapter 11 of the 1993 *BOCA National Mechanical Code* outlines acceptable clearance reduction methods. Drywall fastened to joists is *not* one of them.

The second issue involves the following situation: A set of residential drawings is received showing two bedrooms and one den; the den has a closet and a non-egress window. Can the official assume that this den might someday be used as a bedroom and require smoke detection and an egress window?

The answer is *no*. We as officials cannot assume how the homeowner or resident will use a room, but can only deal with the room as it is designated on the plan. Nothing in the code restricts a den from having a closet. We suggest in this situation that you specify on the Certificate of Occupancy "R-3, 2 bedrooms, 1 den." This will make clear what the room is designated for. Should the use subsequently change, the conditions of the Certificate will have been violated.

Source: Gerald Grayce
Bureau of Regulatory Affairs ❄

National Certification Test Dates

Below are the registration and test dates for future test administrations:

Registration Deadline	Test Date
March 17, 1994	April 23, 1994
July 14, 1994	August 20, 1994
October 13, 1994	November 19, 1994
March 16, 1995	April 22, 1995

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Best Wishes for a

Happy and Building-Safe

1994!









Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

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Americans with Disabilities Act II

Since the Americans with Disabilities Act (ADA) became effective on January 26, 1992, the Department has received several requests for a clarification of the relationship between the new federal law and the Barrier-Free Subcode (BFSC). The short answer is that there is no relationship, since the ADA is civil rights legislation and the BFSC is, of course, a code. Each can—and will—be enforced; the ADA by the federal courts and the BFSC by the State and by local construction officials.

For the short term, this is the only premise reasonable to adopt. However, the Department is looking at long-term solutions which provide for essentially the same set of technical provisions by federal, state, and local levels of government. It appears that this is in the best interests of everyone, including architects, developers, owners, persons with disabilities, and code enforcement officials. A common set of technical standards will eliminate confusion and will also provide the best chance of seeing buildings that comply on the day they open for business, rather than years later, perhaps only after costly litigation. This solution is being looked at very carefully by a number of states, the model building code organizations (including BOCA), and the United States Department of Justice (US DOJ).

In the interim, however, there is one issue to be dealt with; namely, the few areas of direct conflict between the federal ADA regulations (ADA Accessibility Guidelines—ADAAG) and the provisions of the BFSC. For example, the BFSC requires that a lavatory be mounted at 35 inches; the ADA specifies that a lavatory be mounted no higher than 34 inches. The BFSC requires that the letters on signs be a maximum of 2 inches high; the ADAAG requires that the letters on certain signs be 3 inches high. These two examples are subtle, but, clearly, these requirements of the BFSC and the ADAAG cannot both be met. The Department urges construction officials to be reasonable. Should the applicant for a permit request permission to meet the ADA requirement on the grounds that the dimensional tolerances of the BFSC and the ADAAG cannot both be met, the Department urges construction officials, upon confirmation of the discrepancy, to grant a variation allowing ADA compliance. Please note that it is important to deal with this issue through the DCA variation process, since that provides, for all parties, a written record of the conflict and of its resolution.

The resolution of a conflict of this nature differs from a situation in which the ADAAG requirements are more stringent than those of the BFSC. In this case, compliance with the ADAAG differs from, but does not contradict, the requirements of the BFSC. For example, the ADAAG establishes 3 Hz as the maximum flash rate for visual alarms; the BFSC specifies that the flash rate be less than 5 Hz. In this case, compliance with the ADAAG also provides compliance with the BFSC and no variation is required. The same reasoning applies to parking areas. The ADAAG requires more parking spaces than does the BFSC; the ADAAG also requires a van-sized parking space. In this case, compliance with the ADAAG also provides compliance with the BFSC. Conversely, there are instances where the BFSC is more restrictive than the ADAAG. The US DOJ has taken the same position we

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have—that compliance with a more stringent state or local code provides compliance with the ADAAG. For example, the ADA specifically exempts religious organizations and private clubs; New Jersey state law does not. Therefore, a religious organization or a private club in New Jersey must comply with the BFSC. Another example addresses parking requirements: the BFSC requires that accessible parking spaces be within 200 feet of an accessible entrance; the ADAAG, on the other hand, requires that accessible parking spaces be in any lot that ensures access and is cost effective.

We know that the ADA Accessibility Guidelines are federal regulations, and we recognize that construction officials are not responsible for the enforcement of federal regulations; therefore, it is possible that construction officials may not be knowledgeable about specific requirements of the ADAAG. If you have questions, please call Emily Templeton, Code Development Unit, at 609/530-8789.

Source: Charles M. Decker, AIA
Assistant Director, Division of Codes and Standards ❑

Elevator Safety Program Update

Registration

Over the last several months, the Department has initiated the registration of elevator devices. To compile a registry, we have contacted manufacturers, installation contractors, maintenance contractors, and inspection firms. We have also written articles and requests for information which have been published in trade newsletters and magazines.

Recently, the Department selected 23 municipalities, broadly representative of the State, to help us identify elevator devices in their municipalities. Construction officials in those municipalities received a list of buildings within their jurisdiction that were already registered with us. Those construction officials have been verifying the information on the list and have been adding any elevators not previously registered. These location reports have been updated monthly as more buildings have been registered.

We now must extend this effort to all construction officials. The Department will send to each construction official a list of the buildings registered in the municipality. We ask the construction official to verify the information on the list and to add any buildings that contain elevator devices. This request for information must be completed by June 1992. Once the list of elevator devices in a particular municipality is complete, it will be sent to the construction official for his or her records. This list will include the registration number of the building, the building address, the owner's name, the block and lot, the device type, and the number of devices in the building.

Jurisdiction

The regulations allow a municipality to adopt a resolution to provide for the employment of an elevator subcode official, licensed in accordance with *N.J.A.C.* 5:23-5 *et seq.*, or to contract with a private on-site inspection and plan review agency to carry out the provisions of the Elevator Subcode. Alternatively, it may request that the State (DCA) enforce the regulations.

It is critical that each municipality select one of these alternatives prior to July 1, 1992; it is equally critical that each municipality advise the Department of its decision as soon as possible. Construction officials should have received a letter and a form on which to indicate their chosen alternative. Please return the forms as soon as possible to Paul Sachdeva, Manager, Elevator Safety Unit, CN 816, Trenton, New Jersey 08625-0816. This information, once received, will enable the Department to allocate its resources appropriately.

If, by July 1, 1992, a municipality has not hired an elevator subcode official, contracted with a third-party agency, or notified DCA that it has opted for State jurisdiction, in accordance with the law the Department will automatically have exclusive jurisdiction in that municipality to review plans, witness tests, and inspect elevators. Thereafter, a municipality may acquire jurisdiction for enforcing the Elevator Subcode by enacting the necessary resolution and hiring an elevator subcode official. However, the transfer of jurisdiction from DCA to the municipality may not be effective for 120 calendar days following the Department's receipt of a certified copy of the resolution.

A list of licensed elevator inspectors and elevator subcode officials may be obtained from the Bureau of Technical Services, Licensing Unit. A list of private on-site inspection and plan review agencies authorized to enforce the Elevator Subcode may be obtained from the Bureau of Regulatory Affairs. These lists are continually updated to provide accurate and timely information.

If you have any questions, please call the Elevator Safety Unit at 609/530-8833.

Source: Charles F. Tarr, Jr.
Chief, Bureau of Code Services ❑

Uniform Construction Code Administrative Reports:

Computerized Data System Mandated

There are presently over 300 municipalities in New Jersey using the Uniform Construction Code Activity Reporting System (UCCARS). Of that number, 210 municipalities are transmitting their DCA Monthly Activity Reports by modem.

On February 3, 1992, the *New Jersey Register* published the adoption for mandated electronic reporting of the DCA Construction Code Activity Reports. Municipalities which are not reporting electronically should carefully examine the adopted regulations to determine when and if the regulations apply to them.

A brief synopsis of the adoption follows:

1. Any municipality issuing 600 or more permits per year, as determined by the Department, must report electronically by December 31, 1992.

2. Any municipality issuing fewer than 600 but more than 200

permits per year must report electronically by December 31, 1993.

3. Those issuing under 200 permits per year continue to be entitled to the UCCARS system, but it is not mandated.
4. As long as funding permits, the Department will provide the UCCARS software, training, and technical support for the system free of charge to municipalities. This service will also be provided for all upgrades to the software.

Please note that using UCCARS without transmitting electronically is not sufficient. The nearly 100 municipalities currently using System I UCCARS but not transmitting by modem *must* transmit by the dates established, if their permit activity requires electronic reporting.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Low-Volume Water Closets

On July 1, 1991, the Department adopted a regulation amending the National Standard Plumbing Code (NSPC). This regulation requires 1.6 gallon-per-flush (GPF) water closets and also requires pressurized 1.6 GPF water closets in specific applications (use groups A, B, E, M). Following the promulgation of this regulation, but before the expiration of the six-month grace period, in response to data provided by plumbing wholesale distributors throughout the state, the Department promulgated a regulation that allows the sale and installation of water closets requiring more than 1.6 GPF as long as they were manufactured on or before July 1, 1991. Manufacturers commonly etch the date of manufacture inside the tank. Plumbing subcode officials should check the date inside the tank of the water closet. If water closets requiring more than 1.6 GPF have a manufacturer's date of July 1, 1991, or earlier, they are code-conforming. If the water closet requires more than 1.6 GPF and the date is after July 1, 1991, the water closet violates the plumbing subcode.

Source: Emily Templeton
Code Development Unit ❑

Using UCCARS

The level of development activity has been cranked up a few notches during the past several months. The resulting changes you will be seeing in UCCARS this year are described below.

You already know about System III. By the time you read this, training classes will be going full tilt. Most UCCARS users (both System I and System II) are looking forward to logging inspection requests and results directly into their computers. The benefits you will enjoy are less paperwork, better tracking on-screen look-ups, and no more manual inspection log reports.

System III is no longer a stand-alone UCCARS system, as are Systems I and II. Because of its popularity, System III has been incorporated into both primary UCCARS systems. When you come to System III training, you will receive a new, enhanced version of System I if you are a System I user, or of System II if you have upgraded to System II. These enhanced versions will contain all the System III functions, including the inspection module, ongoing inspection tickler reporting, and plan review tracking.

By July 1 you will receive yet another new version of UCCARS. This version will provide you with the capability of entering the new Elevator Subcode.

The changes to System I will not be too dramatic. There will be additional fields on the screen in which to record Elevator Subcode fees, and you will be able to record the new Certificate of Compliance. UCCARS reports will be modified to reflect this new data, and the data transmission section will be modified to send this data to DCA.

System II, on the other hand, undergoes major surgery. A fifth subcode section will be added to the program. As with the current subcodes, the entire Elevator Subcode form will be displayed on-screen. You will also be able to print this new Standard Form, and all the subcode data you've entered, directly onto 3-part or 4-part printer paper. The Certificate Application section will be enhanced so you can enter Certificates of Compliance, and the reporting and data transmission sections will be modified to handle all this new data.

Speaking of Standard Forms, many of them are being updated. Since the UCCARS display screens and reports duplicate the Standard Form formats, this means UCCARS will be correspondingly updated to include all applicable revisions to these forms.

Another major enhancement you will see in UCCARS this year is the ability to archive your old UCCARS data. This will provide you with a means of cleaning out your UCCARS databases that have been accumulating permits and certificates for several years. You will be able to off-load old permit data to tape, and conversely, to view the contents of these archive tapes.

Source: Stan Kosciuk
President, Municipal Information Systems ❑

The DOH's Review of Plans for Food Establishments

The Construction Code Element was recently made aware of *N.J.A.C.* 8:24-10.1, a Department of Health (DOH) regulation which requires owners of planned retail food establishments to submit "plans" to the health authority prior to construction. This applies to new as well as to altered or converted establishments.

What construction officials should do:

Construction officials should be aware that:

1. the "plans" required by DOH are not UCC plans;
2. A DOH approval in this instance is not a prior approval for construction work;

(Continued on page 4)

(Continued from page 3)

3. It is reasonable for a construction official to inform applicants who are food retailers (or their agents) that DOH has separate, special requirements for the licensure of food retailers, based on food handling and processing.

Construction Activity vs. DOH Licensure

It is wrong to read *N.J.A.C.* 8:24-10.1 as prohibiting construction activity. An applicant with approved plans and a permit from a construction official can perform construction work, but absent DOH approval, the applicant cannot offer food for retail. DOH approval is not a "prior approval" as we have come to know the term. Because the DOH is concerned with very technical aspects of food handling such as hand-washing and the exact temperatures at which foods may be frozen, stored, cooked, and served to prevent unsanitary conditions, health officials do want information from applicants about what types of foods they intend to serve at a given establishment. Thus, if an applicant has made no provisions for adequate storage, handling, and preparation, DOH wants to know about it. Their review of "plans" (which could be different from what a construction official would require) would be, in part, to determine consistency with stated intent. Thus, if a food retailer claims to intend to serve certain prepared items, but is not purchasing and installing the appropriate equipment to store materials and to safely prepare and serve such items, DOH officials' review of plans and other documents could make a retailer's deficiencies obvious.

DOH's requirements at *N.J.A.C.* 8:24-10.1 should be read as outside the UCC. DOH has said that "alteration" in their regulation is not intended to be the same activity as that which would trigger the requirement for a construction permit. DOH is interested in food handling and processing. To that end, they are interested in surface characteristics, finish, capacity, and temperature of storage areas, processing equipment specifications, etc. Some of these features are not required to be shown on plans as construction officials know them. A major concern of the DOH is facilities which we consider to be processing equipment, and for which we do not review plans.

Similarly, some of the activities which could constitute a DOH violation, e.g., placing an uncovered fresh seafood tank next to a beef rotisserie, and positioning both of them too near a bathroom, would be outside any restrictions found in the UCC, yet could constitute an unsanitary condition which would demand the attention of a health officer.

As another example of how the jurisdictions of a construction official and a health officer compare, while the UCC controls how many toilets or sinks a structure has and how these are installed, it is DOH which requires that they be kept clean and functional. Similarly, another DOH provision requires flooring smooth enough to clean adequately to preclude the accumulation of liquids. These requirements, again, are something that the UCC does not cover.

To sum up, a health officer's jurisdiction does not cover the prohibition of construction work. DOH's enabling statute, *N.J.S.A.* 26:1A-7, allows the Public Health Council to address health risks such as contamination of food, which is what their regulations seek to address.

Source: Chrystene Wyluda
Code Development Unit ❑

Did I Pass My Inspection?

I frequently get calls from contractors and homeowners, who say, "I just had an inspection, but I don't know if I passed or failed." My first reaction is usually, "What did the inspector say?", or "What does the sticker say?". The response is that the inspector just mumbled something, did not answer when asked if the inspection was passed, and did not leave a sticker.

I then suggest that the caller contact the building department for an explanation. The owner/contractor is not permitted to proceed with work until the required inspections referred to by *N.J.A.C.* 5:23-2.18 are approved. Obviously, a delay in receiving approval creates construction delays as well as annoyance for the contractor/owner.

A large part of our job as officials includes communication with the public. Further, *N.J.A.C.* 5:23-2.18(e) requires that the enforcing agency make a written record of all inspections, including any discrepancies. *N.J.A.C.* 5:23-4.5 requires that inspection stickers, both approved and not approved, be used by the enforcing agency.

As human beings, we all have bad days; however, giving information about an inspection does not seem an unreasonable demand. We have also all had occasions when we were unsure whether a violation existed and needed to research the situation. That is not a problem, but you should communicate those concerns to the contractor/owner and complete your research as soon as possible so the problem can be resolved.

Remember, communication is an important part of our role as professionals. Lack of communication frequently creates animosity between the builder/homeowner and inspector, and on occasion, leads to a complaint to Regulatory Affairs. By either discussing your inspection concerns or leaving an inspection report of violations, you provide a clear understanding of any problems exists, resulting in more speedy corrections. So please keep the communication bridge open. You will find it makes you more respected as a professional, and assists the builder/homeowner in making corrections and bringing the project into compliance.

Source: Gerald E. Grayce
Bureau of Regulatory Affairs ❑

Off the Shelves!

(Or, Products Violating the Code)

N.J.S.A. 52:27D-138a(5) contains the statutory authority for the Department to impose penalties on "any person or corporation...who...knowingly sells or offers for retail sale any item, device or material the regular and intended use of which would violate any provision of the State Uniform Construction Code."

The Department, under that legislative authority, adopted the rule found at *N.J.A.C.* 5:23-3.8A, which contains a list of items "not in conformance with the Uniform Construction Code." These products were placed there with due public notice and for reasons involving the public health and welfare.

We occasionally get rumblings that either one of the chain stores or a smaller hardware or supply store has one or more of those items on its shelves. Under the rules noted above, either a local code official or Regulatory Affairs can issue violation notices. Remember, the list in *N.J.A.C.* 5:23-3.8A contains clearly prohibited items. If you have problems with an item not on the list, give us some details so that we can investigate, verify, and add to the list, if appropriate.

We have sent notice to some stores, occasionally as a result of a DCA employee looking through the throwaway circulars in his or her mail and spotting a questionable item. This is obviously a haphazard approach, but the best we can do, given the sheer numbers of wholesale and retail establishments in New Jersey combined with our limited staff resources.

We are concerned that there are still prohibited products displayed and even freely advertised. Your sharp eyes are many more in number and much more spread out geographically than ours. Let's work together.

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ❑

Indoor Air Quality

On January 21, 1992, in response to a requirement of the Public Employees Occupational Safety and Health Act (PEOSHA), the Department adopted Subchapter 11 of the Uniform Construction Code, the Indoor Air Quality Subcode. The IAQ regulations establish a dispute resolution process for indoor air quality complaints by public employees. They also adopt ASHRAE 62-89 (American Society of Heating, Refrigerating, and Cooling Engineers' technical standard on ventilation) as the yardstick for evaluating heating, ventilation, and air conditioning (HVAC) systems.

The IAQ regulations provide a complaint procedure. A complaint is submitted to the agency with the greatest expertise. If the complaint is building-related, the Department of Community Affairs investigates; if the complaint is health-related, the Department of Health investigates. The complaint should first be registered with the facility manager, but can be filed with the Department of Community Affairs or the Department of Health, as appropriate. Following an initial investigation, each Department has the authority to require an engineering study at the building owner's expense. Remediation can result, but is not required in all situations.

The yardstick for evaluation is the latest technical standard published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). Because this standard, ASHRAE 62-89, includes ventilation rates and specifies maximum levels of air pollutants, it provides a reasonable technical framework for assessing indoor air quality complaints. It also provides a reasonable technical standard for retrofit of the existing HVAC system should that be required.

What is the role of the construction official in this process? Although construction officials have been involved with PEOSHA complaints, the Department will be handling all indoor air quality PEOSHA complaints. Upon receipt of the complaint, the PEOSH coordinator in this Department will begin the process of resolving it and establishing clear timeframes for response.

If you have questions about the complaint procedure, please contact John Gross, PEOSH Coordinator, at 609/530-8833.

Source: Emily Templeton
Code Development Unit ❑

Subtract it Out!

Although I'm writing this little article as a reminder about the preparation of the quarterly State Training Fee report, I also want to use it to convey a compliment to the steadily increasing number of construction officials and enforcing agency staff who get these reports in on time. You are aware of how important those returns are to the Construction Code Element, and we track them carefully. You are giving us more control over our own projections by getting them in to us on time, and we appreciate it.

This reminder is primarily to help you avoid getting "Money Due" delinquency letters for alleged underpayment in the check amount you send us.

The frequent cause of those letters is the inclusion of fee-exempt structures in your volume of new construction figure. When those structures are included, our computer program mindlessly, but ever so precisely, multiplies the reported volume by .0016 and cross-checks against the amount of the check sent. Since the figures *cannot* match, a delinquency letter is produced.

In the interest of preserving the forests, avoiding the receipt of unwarranted delinquency letters, and other worthy causes, please: Separate out the public/fee-exempt structures and note the additional volume separately and conspicuously on the report. For example, subtract "50,000 cubic feet—fee-exempt school addition."

Thanks!

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ❑

R_x for Lead

The Interagency Task Force on Prevention of Lead Poisoning is sponsoring its 4th Annual Lead Poisoning Prevention Conference on Monday, May 4, 1992, on the Livingston Campus of Rutgers University. Workshops to be offered will include: new treatments for lead poisoning, the impact of the new Centers for Disease Control (CDC) Guidelines on local governments, abatement techniques, protecting workers, getting lead out of soil, and source reduction.

For more information or to register, please call 609/984-3351 or 908/246-2525.

Source: Amy Fenwick Frank
Division of Codes and Standards ❑

New Jersey License Exams Are Valuable Outside of New Jersey, Too!

Many New Jersey license-holders may not be aware of an important fact about the NCPCCI examinations they take to become licensed; those examinations are part of a national program for certifying inspectors and plans examiners.

BOCA Certification: A National Program

What would be the advantage to a New Jersey license-holder of earning BOCA certification? Well, while perhaps not as mobile as some other professions, code inspectors do occasionally move to other states.

The same examinations taken in New Jersey for state licensure are used by the states of Virginia, Ohio, Michigan, Kentucky, Indiana, and in the broadest terms, by BOCA International. In all of these states BOCA certification will fulfill most or all of their requirements for certification/licensure/registration. Additionally, under an agreement between BOCA and the Southern Building Code Congress International (SBCCI) a BOCA certificate-holder can receive equivalent certification from SBCCI in nine inspection and plan review categories. SBCCI certification is required in several states in the South, including Florida.

One other benefit of BOCA certification is this: if you hold or earn CABO Building Official certification, your BOCA certification can be used to fulfill a portion of the certification maintenance requirements of the CABO program.

How to Get BOCA-Certified

This is, in fact, the easy part. The State of New Jersey requires specific exams—in addition to other requirements—for licensure in specific categories. While there is not total compatibility between New Jersey requirements and BOCA's, the differences are often minimal.

For example, an individual who holds a New Jersey Plumbing ICS license has already completed the exams required by DCA for licensure as a Plumbing Inspector (exams 5A and 5B), and can become BOCA-certified by simply completing the registration form and submitting it to BOCA with the appropriate fee.

Another example would be the individual who holds a New Jersey Building Inspector ICS license, having completed examinations 1A, 1B, and 4A. By completing the 3B (Fire Protection General) exam, that individual fulfills the BOCA requirements for certification as a Building Inspector. Alternatively, by completing the 4B (Mechanical General) exam, this same individual qualifies to be BOCA-certified as a Mechanical Inspector.

There are a variety of other examples and combinations that require few or no additional examinations for New Jersey license-holders to become BOCA-certified. To get an overview of these requirements, candidates will need to review the BOCA Certification Program booklet. Anyone can obtain a complimentary copy of this booklet by contacting BOCA headquarters at 708/799-2300, extension 334.

The National Certification Program for Construction Code Inspectors (NCPCCI) began in the late 1970s as a consortium of states that shared a common interest in developing a series of valid and reliable test instruments to certify inspectors and plans examiners. While the list of participating states is somewhat smaller today than it was in the beginning, the fact remains that the candidate test scores are transferable between NCPCCI members. The transferability of the test scores is by arrangement through the NCPCCI Board of Governors, on which all of these parties are represented.

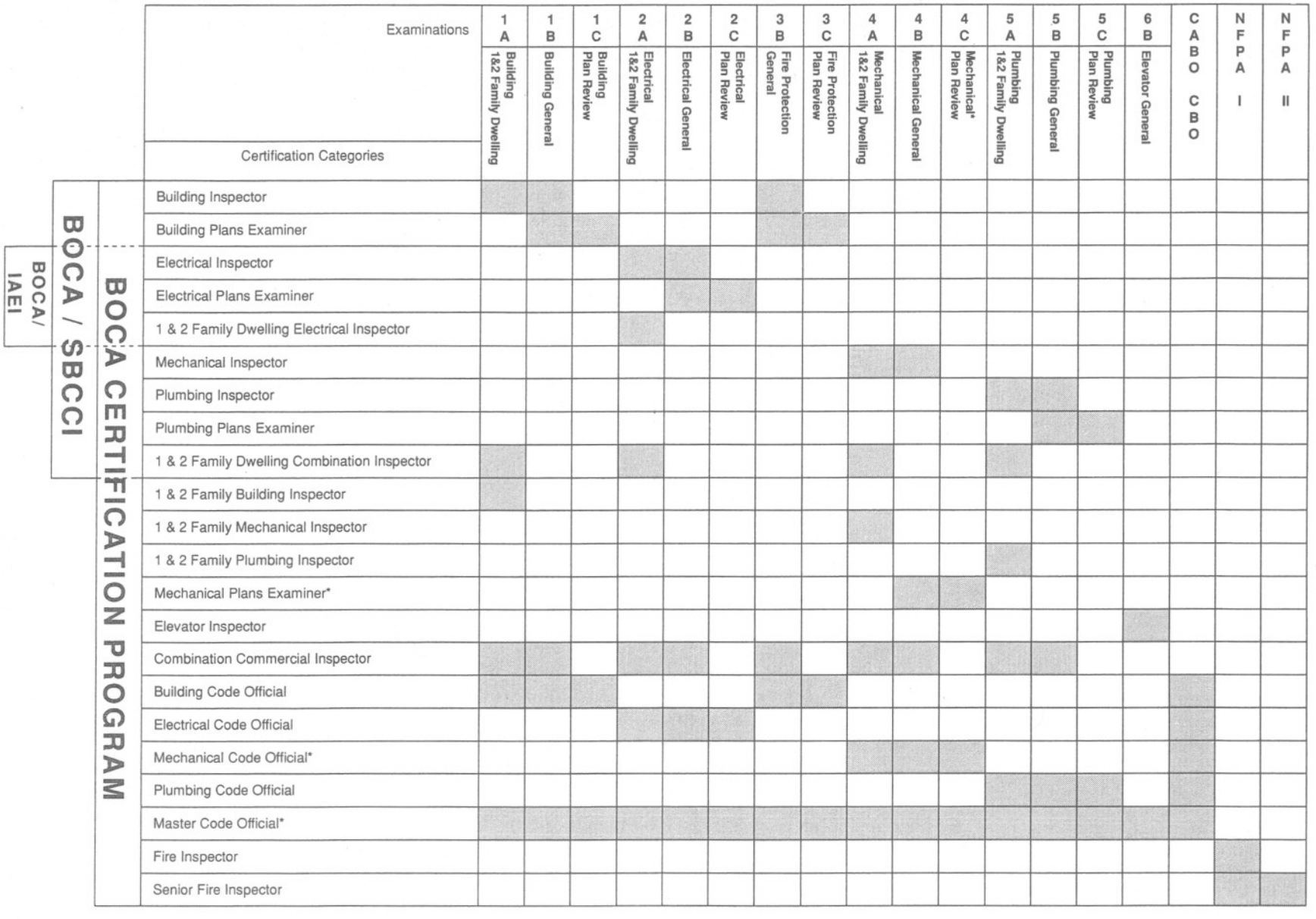
The NCPCCI—administered by Educational Testing Service in Princeton—gives over 8,000 tests annually at test centers around the country. The program currently offers 14 different examinations with the 15th (Mechanical Plan Review) under development.

Source: Terry Leppellere, PE
Manager, Training Services
BOCA International, Inc. ❑

Note: Electrical Inspectors may be interested in a certification from IAEI. The International Association of Electrical Inspectors provides a certification for each of the National Certification Test Programs for Electrical Inspectors. You must send a copy of your ETS score reports and $10.00 for each certification requested to:

International Association of Electrical Inspectors
Certification Department
901 Waterfall Way, Suite 602
Richardson, TX 76080

Certifications Available	Test Required
Electrical 1 & 2 Family	Module 2A
Electrical General	Module 2B
Electrical Plan Review	Module 2C



*Available 1993

BOCA Certification Program Category/Exam Chart

Smoke Detector Regulations in the Building Subcode

To eliminate the inconsistencies in the smoke detector requirements applicable to the dwelling units of Use Group R-3 and R-4, the Department has amended *N.J.A.C.* 5:23-3.21(c)1.iv, effective November 18, 1991. According to this amendment, Section R-215.1 of the *CABO One and Two Family Dwelling Code 1989* with 1990-91 amendments now requires installation of single- or multiple-station smoke detectors inside each bedroom, in addition to the smoke detectors required in the immediate vicinity of the bedrooms and in each story, including basements. Section R-215.1 has further been amended by adding references to Sections 1018.1 and 1018.6 of the Building Subcode, which require all smoke detectors to be approved, listed, installed, and tested in accordance with NFiPA 74.

By adopting this change, the Department has established a uniform standard for smoke detector requirements in the Building Subcode and thus has attempted to clear the confusion created by different requirements established in the original text of the *BOCA National Building Code* and the *CABO One and Two Family Dwelling Code*.

Source: Ashok K. Mehta, Principal Engineer
Bureau of Technical Services ❑

Which is My Line?

It's time to play "Which is My Line?", the game where knowledge is king and shared responsibilities can be a royal pain. As you are well aware, there are several areas where the plumbing inspector has some shared responsibility with other inspectors. Ready to test your knowledge of these areas?

Questions

1. (10 points) When inspecting a building utilizing a septic system, the plumbing inspector is responsible for:

A. Everything up to the outlet of the septic tank.
B. The building drain—everything 3 feet outside of the building belongs to the health inspector.
C. Everything up to the connection to the septic tank—the tank itself and everything downstream is the responsibility of the health inspector.
D. Making sure no one uses the bathroom while the health inspector is performing the inspection.

2. (5 points) When inspecting a building equipped with a private on-site water supply system, the plumbing inspector is responsible for:

A. Everything downstream of the main water supply valve required by section 10.12.2 of the National Standard Plumbing Code.
B. Everything downstream of the pump outlet.
C. Everything downstream of the water conditioner.
D. Bringing the doughnuts.

3. (15 points) When a gas-fired high pressure boiler is installed, the plumbing inspector is responsible for:

A. The boiler and all connected appurtenances.
B. The flue connection to the boiler.
C. Nothing.
D. The gas and hydronic piping associated with the boiler, but not the boiler itself.

Answers

1. According to the Department of Environmental Protection and Energy, the plumbing inspector is responsible for everything up to the connection to the septic tank. If you answered "C," award yourself 10 points. If you answered "D," you're wrong, but you're probably a swell guy; give yourself 1 point.

2. According to bulletin 88-10, the main water supply control valve is the point. If you answered "A," give yourself 5 points. If you answered "D," I'd like to invite you to the next plumbing subcode committee meeting.

3. "D" is the correct answer, according to 12:90 and 5:23-3.11A. The Department of Labor is responsible for the high pressure boiler; however, Labor is only concerned with the boiler itself. If you selected "D," give yourself 15 points.

4. "A" is the correct answer. If you answered "A," give yourself 20 points. "B" and "C" are the Department of Labor's responsibility. "D" is the mark of a desperate man trying to meet a deadline for a newsletter article.

Scoring

Add up the points you earned from the four questions, and check your total score below:

50 .....Genius
30-49 ...Good
5-29 .....Fair
0-4 .....Send your license to: Frank Salamandra, Licensing Unit, 10 Hopeless Lane, Desperate City, NJ 00000

Source: Michael Baier
Code Assistance Unit ❑

Public Buildings and Permit Fees

There has been some confusion over the issue of payment of fees to a private on-site inspection agency for work in connection with school buildings or other public projects which, by law, are exempt from the permit fee requirement.

"No county, municipality, or any agency or instrumentality thereof shall be required to pay any municipal fee or charge including any surcharge or training fee imposed by any department or agency of State government in order to secure a construction permit for the erection or alteration of any public building or part thereof from the municipality wherein the building may be located." (*N.J.S.A.* 52:27D-126c)

Municipalities often choose to contract with private agencies to carry out the enforcement of one or more subcodes. A standard contract between the municipality and the inspection agency will provide that the agency is paid according to the State fee schedule in *N.J.A.C.* 5:23-4.20.

In the past, there has been some dispute over whether the issue of third-party payment could be a contractual matter between the municipality and the private agency. But the contractual offer by a private agency of not charging for fee-exempt project plan review and inspections is a financial incentive outside the scope of permitted selection criteria in *N.J.A.C.* 5:23-4.5A(e).

Regulatory Affairs has been getting a number of telephone calls on this issue and the controversy should be put to rest. Third party inspection agencies *must* be compensated for work performed regardless of whether or not the municipality received payment from project/permit owners.

Please remember the one exception to the statutory exemption. The municipality *may* charge a fee for plan review in connection with a public school building, if the local board of education submits the plans and specifications for approval to the municipality pursuant to *N.J.S.A.* 52:27D-130. Normally, the plans in connection with a public school facility will be reviewed by the Bureau of Facility Planning Services in the Department of Education. If for any reason the local board of education chooses to submit the plans for review to the municipality, the municipality is allowed to charge a fee for doing the plan review.

I hope this information is helpful and will reduce the apparent confusion over payment to private agencies for work performed in connection with school buildings and other public projects. If further clarification is needed, please contact the Bureau of Regulatory Affairs at 609/530-8838.

Source: Urmil Deora, Esq.
Bureau of Regulatory Affairs ❑

Dedicated Fees—Update

A year has passed since municipalities were required to organize their UCC enforcing agency budgets in a dedicated format. *N.J.A.C.* 5:23-4.17 requires that UCC fees must be appropriated under a dedicated budget or dedication by rider.

Since most municipalities have chosen the dedicated budget format, here are some facts concerning this method. A dedicated UCC budget represents a group of segregated revenue/appropriation accounts within the current fund. In this format, the rules do not require that anticipated revenues equal appropriations, but only that anticipated revenues may not exceed appropriations. This allows municipalities to subsidize the enforcing agency with general revenues. During the budget year, if actual UCC revenues do exceed appropriations, then the construction official must determine the cause and include recommendations for corrective action in the financial report required after the close of the budget year.

The dedication by rider format may be used in situations where the enforcing agency is self-supporting. The "rider" is a trust fund, separate from the current fund, and is established by governing body resolution. A surplus may be accumulated in the trust account for use as needed in future budget years. The municipality may use dedication by rider for that portion of the enforcing agency operation that funds the private inspection agency contracts, but stay with the dedicated budget format for the remainder of the agency operation. This may simplify payment procedures and improve compliance with encumbrance requirements.

The construction official, in consultation with the municipal finance officer, is required to prepare and submit to the governing body a report after the close of the budget year. The report is to detail the receipts and expenditures of the enforcing agency for the preceding fiscal year, and to give recommendations for a fee schedule/staffing needs based upon the operating expense of the agency.

Source: Henry Riccobene
Bureau of Regulatory Affairs ❑

Minimum Fees

The *New Jersey Register* dated January 21, 1992, Volume 24, Number 2, contains a proposal to eliminate minimum fees from municipal and state fee schedules. Presently, the State charges a minimum permit fee of $43 that covers all subcodes. On-site agencies are required to follow the State fee schedule, but municipalities usually charge minimum fees by subcode.

Historically, minimum fees were created to cover the cost of an inspector making a specific inspection. With the adoption of Dedicated Budgets in 1990, that argument is no longer valid. Municipalities should look at their budgets over a three- to five-year period—not whether they make or lose $10 on a single inspection.

Many municipalities have taken the lead in this area, whether or not the State passes this proposed amendment. They feel it is right for code enforcement. At a recent inspectors' meeting, I was told that, "when we have to charge $80-$100 for an electric water heater inspection, we have covered the cost of that inspection, but we probably convinced five other people not to take out a permit because of what they consider to be excessive permit fees."

If these regulations are adopted, municipalities and the State will have one year from the adoption date to review their fees and amend their fee schedules, including the elimination of minimum fees.

To aid in more efficient inspections, the State is also considering mechanical inspectors, but that is another issue and another article.

Source: William Hartz, Chief
Bureau of Technical Services ❑

Basement Drainage Trench

Many home builders have taken to the practice of installing "drainage trenches" around the inside perimeter of basement foundation walls in the hope that any water entering will drain into the trench and not onto the basement slab. This sounds like an excellent solution to potential basement water problems, but this practice also creates the potential for future foundation failure.

Basement foundation walls are usually designed as vertical beams supporting a load that increases with depth from top to bottom. For this beam to remain in place, it must have support at both ends. Support is provided by the attachment of the plate and joists to the top of the foundation wall and by the basement slab which abuts the foundation wall at the bottom. If one looks at the load distribution, it is easy to see that most of the load reaction goes to the bottom of the wall. If the slab does not abut the foundation wall to restrain movement, the only restraint provided to prevent the foundation wall from sliding on the footing is the mortar bond between the concrete footing and the foundation wall. This bond is very low and tentative at best. Under field conditions, with the possibility of mud, dirt, and sand that has not been cleaned away prior to the installation of the first course, one can hardly expect any bond to exist between the footing and the foundation wall. Consequently, unless special provisions, such as dowels from the footing into the masonry or shear keys are provided, the foundation wall will, as the soil compacts, develop a mortar shear failure at the base of the wall. The foundation wall will then slide on the footing until it contacts the slab. Since the drainage trench is usually 1 to 1-1/2 inches wide or more, it is likely that this amount of movement will a crack a concrete block masonry wall.

Under these conditions, the trench, which was originally installed with good intentions, is the cause of an excessively cracked wall creating the potential for complete foundation failure. In order to prevent sliding of the foundation wall on the footing, if builders insist on installing the trench, they should install vertical reinforcing dowels from the footing into the masonry cores and grout them solid.

Since the major causes of moisture entering a foundation wall are failure to properly parge and dampproof the exterior, failure to properly compact the backfill, or failure to properly slope the grade away from the foundation, the need for such a trench is questionable. Given that the cost of either the shear key or dowels, along with the cost of the trench, far outweigh the additional cost to build a properly dampproof and backfilled masonry foundation wall, the better solution to the problem would be proper workmanship in dampproofing and backfilling. This being the case, the concrete slab can be constructed as is normally done, butting to the masonry to provide proper support for the bottom of the foundation wall.

Source: John J. Hare, AIA ❑

Note: The preceding article was submitted by a registered architect for the *Construction Code Communicator*. Since it was submitted by an outside source, it was forwarded to the Bureau of Homeowner Protection, Major Structural Defects Section, for review. That Bureau stated, "Our staff in the Major Structural Defects (MSD) Section of the New Home Warranty Program have reviewed the findings in Mr. Hare's report and concur with the cause of foundation wall failure and his recommendations to eliminate the problem. In a number of MSD inspections, we have found cases where the lower portion (7 to 8 courses) of the wall slid on the footing due to outside pressure and a lack of resistance from the floor slab due to the formed drainage ditch. The result is the upper wall (3 to 4 courses) anchored by the joist plate actually tilts out while the lower wall remains vertically level, creating a horizontal crack along most of the wall length. At a point near the side walls the stiffening of the side wall causes a stepped vertical crack at both ends.

"One underlying factor causing this condition is backfilling too soon before the mortar has fully set. Heavy equipment causes ground vibration and a break in the bond between the block and mortar." ❑

New Jersey Register Adoptions

Date	Adoption
11/18/91	23 *NJR* 3444(b) Subcodes Adopted Amendments: *N.J.A.C.* 5:23-3.15 and 3.21, effective 11/18/91.
	23 *NJR* 3445(a) Barrier-Free Subcode Enforcement, Adopted New Rule: *N.J.A.C.* 5:23-7.6A., effective 11/18/91.
12/16/91	23 *NJR* 3745(a) Radon Hazard Subcode Tier I Municipalities *N.J.A.C.* 5:23-10, Appendix 10-A.
1/21/92	24 *NJR* 229(c) Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, Adopted New Rule *N.J.A.C.* 5:23-11, effective 1/21/92.
2/3/92	24 *NJR* 404(b) Low Volume Water Closets, Products Violating the Code, Adopted Amendments: *N.J.A.C.* 5:23-3.8A and 3.15 effective 2/3/92.
	24 *NJR* 405(a) Municipal Enforcing Agencies Uniform Construction Code Administrative Reports (UCCARS) Adopted Amendments *N.J.A.C.* 5:23-4.5 and 4.19, effective 2/3/92.
	24 *NJR* 406(a) Revocation of Licenses and Alternative Sanctions Adopted Amendments: *N.J.A.C.* 5:23-5.25, effective 2/3/92.

Source: E. Maria Roth
Code Assistance Unit ❑

Keeping Foundations Dry

There are some foundations which do not require either waterproofing or dampproofing, says BOCA section 1224.1. So, let's first see what types those are, and then deal with those that do need such protection. Projects in areas prone to flooding as identified on the Federal Emergency Management Agency map (BOCA section 2101.6) are not addressed in this discussion.

Neither waterproofing nor dampproofing is required for foundation walls which do not both retain earth and enclose interior spaces. But some floors below grade and foundation walls that retain earth still do not need such protection as long as they do not include use group I, R, or other occupancies that cannot tolerate dampness. This is true only where those same walls and floor would not be harmed by water. BOCA says we can also skip such protection in those dreadfully wet places where the groundwater table comes to within 6 inches of the grade around the building perimeter, and/or where the surface water will not readily drain from the site, *if* the bottom of any underfloor space is placed no lower than the proposed finished perimeter grade. When you think of it, this brings us right back to the "where required" section 1224.1, in which only walls and floors below grade ever need to be protected from water.

So, now we know by the process of elimination that we do have to waterproof or dampproof foundation walls and below-grade floors which enclose occupants to whom water and water vapor would be detrimental—always including use groups I and R, and also walls and floors which themselves "would be adversely affected" by subterranean water.

Next, let's distinguish the need for waterproofing from the need for dampproofing. The BOCA commentaries say waterproofing provides a higher degree of protection against vapor and actual liquid "even under conditions of significant water pressure," than does dampproofing. But where must you do which?

As soon as building portions descend below grade to enclose under-floor spaces, we either encounter hydrostatic pressure (when our building goes where the water really needs to go—the resistance you feel when trying to push an empty container into a bucket of water), or we don't. Only site-specific experience or an investigation will tell if there is hydrostatic pressure. When we do have it—waterproof. When we don't have it, dampproofing is sufficient.

Where waterproofing is required, the floor and foundation walls must resist those hydrostatic loads, in addition to the normal horizontal and vertical live and dead loads. Also, we saw earlier at section 1224.1.2 that, because we were down in a location where groundwater *could* rise to within 6 inches of surface level, an approved drainage system was required. This could be passive, as at section 1224.5.2 if a gravity disposal is available, or active (pumped), as at section 1224.2.1. The "how-to" of waterproofing walls and floors is contained in section 1224.4.

Where dampproofing is required, the basement floor must have either a 4-inch-thick base of gravel or crushed stone, or be in place of naturally occurring, well-drained sandy or gravelly soils. In addition, either an active or a passive subsoil drainage system must be installed in all cases, around the outside of the foundation wall (section 1224.5.2), which does not necessarily involve laying any pipes. The disposal of the water that has already been collected by perimeter drains can be left to sandy or gravelly soils only where these occur naturally, but usually must go to a dedicated, built drainage system. You'll find the "how-to" of dampproofing walls and floors in section 1224.3.

Judiciously applying these regulations can certainly avoid extensive and ongoing building damage and support an enjoyable occupancy.

Source: E. Maria Roth
Code Assistance Unit ❑

Who's on First?

Every year or so, I tear up a copy of the Construction Code Element's Municipal Tracking List into as many pieces as we have staff in the Bureau. ("Muni-tracking" is a list of staff in municipal code enforcement offices that we use heavily for telephone numbers, for names of construction officials and subcodes when we need to contact them, for mailing labels, etc.)

I give each person a "chunk" of pages with a note that says, "Please call and confirm or update staffing." They (unsmilingly) go through their lists, and we note the changes on our shared system with the Bureau of Technical Services Licensing Unit.

Sounds kind of silly, doesn't it? In reality (although a lot of the reactions we get are impatient), there are changes in a solid 50 percent of the municipalities we call, changes for which the Element never got notice.

The purpose of this article is to publish a formal request to working officials and their employers to *let the Element know* when there is a change of staff in the code enforcement office. A note to the Bureau of Technical Services at CN 816 (with a copy of the appropriate resolution or other action by the governing body) is the correct method.

If correspondence sent to you as construction official, for example, has the wrong name on it, you get *one* laugh at our expense. But if you don't communicate with us to correct the error, whose fault is it?

Guessing games get old quick, and it's annoying to get mail addressed to your "predecessor," isn't it? Thanks.

Source: Vivian Lopez, Esq., Chief
Bureau of Regulatory Affairs ❑

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Department of Government Services at Rutgers, the State University. Editor: Hilary Bruce. Address changes, subscription requests, comments, and suggestions may be directed to the **DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.**

Construction Code Element Telephone List

FAX No.: 609/530-8858

Receptionist—CN 816 ..... 609/530-8820

Assistant Director's Office 609/530-8788
Code Development Unit 609/530-8789

Bureau of Technical Services—CN 816
Chief 609/530-8797
Code Assistance Unit 609/530-8793
Education Unit 609/530-8798
Licensing Unit 609/530-8803
Publication Unit 609/530-8792

Bureau of Code Services—CN 816
Chief 609/530-8857
Asbestos Unit 609/530-8812
Elevator Safety Unit 609/530-8833
Industrialized Buildings Unit 609/530-8837

Bureau of Regulatory Affairs—CN 816
Chief 609/530-8838
Investigations and Complaints Unit 609/530-8862
Municipal Assistance 609/530-8848

Bureau of Homeowner Protection—CN 805
Receptionist 609/530-6357
Chief 609/530-6183
Planned Real Estate Development Unit 609/530-5474
Builder Registration Unit 609/530-8800
Claims Administration Unit 609/530-6330
Private Warranty Plans Unit 609/530-8785
Warranty/Claims Processing Unit 609/530-6367
Landlord Tenant Unit 609/530-5423
Compliance Unit 609/530-6194
Continuing Care Unit 609/530-5448
FRT Unit 609/530-4878
Major Structural Defects Unit 609/530-3627

Bureau of Construction Project Review—CN 817
Receptionist 609/530-8866
Chief 609/530-3624
State Building 609/530-8876

Bureau of Local Code Enforcement
Northern Inspection Office 908/537-2127
Southern Inspection Office 609/567-3653

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State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

Volume 4 Number 2

Summer 1992

Hearing Rights for Code Officials

***Watts v. North Caldwell*, N.J. Sup. Ct., Ap. Div., A-6084-90T5, 2/27/92**

On February 27, 1992, the New Jersey Superior Court's Appellate Division affirmed a lower court's decision that a code official appointed to a four-year term pursuant to *N.J.S.* 52:27D-126b must be granted notice and an opportunity for a hearing before being removed from office. The hearing must be "fair and impartial." There must be "just cause," that is, a good reason, for any removal.

The court found that the legislature provided for four-year terms in *N.J.S.* 52:27D-126b to provide officials with some protection from arbitrary interference or removal in the performance of heir duties.

The court found reappointment after an initial four-year term to be tenure, and emphasized that even the initial four-year term is an appointment to which a person is entitled so long as he or she behaves well and performs his or her duties. In a note, the court said that discipline of officials who violate the Construction Code Act is a function of the State, not the municipality.

The court in this instance affirmed an order granting reinstatement, back pay, compensation and punitive damages, and attorney's fees under the federal civil rights law, 42 *U.S.C.* 1983, to a construction official who was summarily removed. It was doubtful, the court suggested, that municipal authorities were unaware that the construction official was entitled to a hearing, because the official and his attorney demanded one and cited relevant legal authority to the municipality.

The *North Caldwell* case affirms construction officials' right to notice and a hearing prior to removal from office, and makes plain that removal must be "for cause." The case does *not* protect officials from ever being disciplined or removed; it does require that there be just cause for actions taken against officials and that there be notice and an opportunity for a fair hearing prior to removal from office.

Source: Chrystene Wyluda
Code Development Unit ❑

If It Feels Wrong . . .

A peculiar thing happens when you go to work for a municipality. All your life you've been a private person, answering to your conscience, to your family, and, in a broader sense, to society in general, for your actions. This all moves up a giant step when you take public employment. You become a public official.

The transition is occasionally a difficult one. You must adjust to the fact that your activities are now open to public scrutiny and, occasionally, public criticism. Fairly or unfairly, the residents of your town watch your conduct and (as all of us are inclined to do) complain when something looks wrong.

N.J.A.C. 5:23-4.5(h) gives a definition of conflict of interest

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with which you are probably familiar, and you should know that the Department takes that section of the rules seriously indeed. There is an obvious reason for that, which doesn't merit repetition here. I would rather examine in this article just one of the reasons underlying the Department's adoption and enforcement of the UCC conflict of interest rule, that is, the fact that as a public official you are held to a higher standard of conduct than as a private individual. It is not my purpose, nor is it possible, to list every combination of circumstances that may open you up to public criticism and/or Departmental investigation. It is, however, my purpose to try and sensitize those of you who haven't yet absorbed it that whatever you do as a public official will be examined more stringently than the same actions performed as a private citizen.

An often-used phrase is "the appearance of impropriety." This may refer to something as simple as taking an assigned town vehicle to go get lunch. No problem, right? But if the sandwich place serves alcohol, and the town car is parked by the bar, and you're taking a late lunch, will anyone notice? Probably.

Suppose you need to add a new bathroom (new roof, new dormer, new front steps, new hot water heater, etc.) onto your own house in the town where you're an official. Do you review your own plans? No. Do you issue yourself a permit if you're the construction official? No. Do you inspect your own work, or the work you're paying for as a private citizen? No. *Question:* what do you do? *Answer:* ask an official from a neighboring town to come in for you, and let your superiors know. Write a note reflecting the arrangement and put a copy in your permit file. Most officials are willing to do this as a courtesy and the arrangement goes a long way toward avoiding unpleasant questions. If you did not get another inspector, would you be engaging in "construction-related activity for economic gain"? Probably not. But would it be improper? Clearly. Sometimes you can't find someone in a neighboring town to step in. If that happens, call Regulatory Affairs, and we'll try to help work it out.

Because I deal with these questions frequently, it sometimes startles me for a moment when an official with whom I'm talking does not realize the implications of his or her actions. It's often difficult to step outside yourself and look at what you're doing from a stranger's point of view. Must you change your lifestyle because you are a public official? No. Must you develop a "siege mentality" and be constantly on the defensive against "attack"? No. But, should you be conscious of your activities from a different perspective now that you are in a public forum? *Yes.*

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ❑

Legislative Notes

Extension of Permits

Senate Bill 417 of 1992 (S-417),"The Permit Extension Act," has been approved by both the New Jersey Senate and the Assembly. As written, S-417 would enable those holding otherwise expired building permits dated from January 1989 to procee with development, including building, as planned, without complying with any additional, subsequent requirements. "Building permits" in this context includes construction permits and all types of approvals and building-related permits from other authorities, such as DEPE wetlands, sewer extension, on-site wastewater disposal, stream encroachment permits; DOT highway access permits; planning and zoning permits, etc. Under S-417, permits would be valid until December 31, 1994.

Permit extension is an important issue for the code official, and we will make every effort to keep you informed of new developments in this area.

During the last week of May, Governor Jim Florio conditionally vetoed the Permit Extension Act. He urged the Senate to amend it so that construction would not be permitted in wetlands areas.

Site Development Standards

If approved, several bills currently before the New Jersey legislature would require the Commissioner of the Department of Community Affairs to appoint a board to draft statewide standards for the technical aspects of site development, such as streets, parking, storm drainage, and utilities. The standards would be based on a model ordinance developed several years ago by a group of engineering experts at Rutgers, the State University.

After review and comment, the standards would be published as rules. There would be an annual opportunity to propos revisions, as there is now with the construction code.

Code officials *per se* are not usually involved in site plan approval. The new uniform standards, however, would affect construction by reducing the number of unique requirements in different municipalities, thereby simplifying the review process.

Source: Chrystene Wyluda
Code Development Unit ❑

Using UCCARS

Many changes have been made to the UCCARS system over past few months. Some of these changes stand out dramatically, while others are more subtle. The individual changes and the sigificance of each will be discussed in this issue's column.

Before we get started, let's make sure that you are using the current version of UCCARS. If you are a System I user, the title screen that is displayed when UCCARS starts up should say 'Release 2.1x' (or some number greater than 2.1). For System II users, your release number should be '4.xx.' Should your version of UCCARS display an earlier release number, please contact us immediately.

Both System I and System II now contain all the functions that used to be referred to as System III. These include schedulin reporting, and historical retention of inspection requests and results; periodic reports of ongoing inspection that are due; and

racking of the status of all plans that have been submitted for review.

The following subcode and standard form revisions are implemented in the current UCCARS releases:

Square Footage—For both new construction and additions, the total square footage and volume are now required. Note that these figures pertain to the newly constructed structure or added portion of the structure only.

Industrialized Buildings—Check-off boxes are provided for premanufactured construction, and for indicating whether it is State Approved or HUD. Zeroes may now be entered for square footage and volume *only* if one of these boxes is checked.

Housing Units—There are now four separate entries on the permit entry screens:

Housing Units Gained: (1) for sale (2) for rent
Housing Units Lost: (3) for sale (4) for rent

The number of units before and after is no longer used.

Census Item Number—This is now a required entry for *all* permits; in the past it could be left blank under specific conditions. Internal checks have been added to help ensure conformance to Bureau of the Census publication C–404(B), and a special census item number, '999,' has been provided for use in Out-of-Scope situations as defined in that document (see related article: "Federal Census Items"). Permit Updates are automatically assigned the same census item number that is entered for the root permit.

Standard Form Revisions—All permit, subcode, and certificate screens, printed forms, and reports have been modified to reflect changes made to the Standard Forms. Of special significance are the Permit and Certificate Activity Reports which are now more complex to assemble manually, but still just as easy as ever to generate via UCCARS. Of special interest to System II users are the indicators 'HP,' 'KW,' and 'AMPS' that now appear next to each item on the Electrical Subcode screen.

Elevator Subcode—A fifth set of Subcode and Fee Schedule screens has been added to System II. Provisions have been made in System I for entering the elevator inspection and administrative fees.

Certificate of Compliance—Two new certificate types, the CC and the TCC, can now be printed and issued via System II. System I keeps a running count of all certificates issued, and a change has been implemented so you can keep track of all certificate types (including CO/TCO/CC/TCC) issued for a particular permit on the same screen.

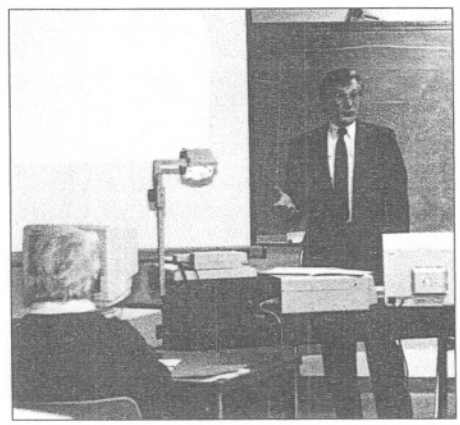
Archiving Data—A method has been provided to copy old, closed-out permits to an archive tape and to remove them from your on-line database. You can look up archived data from the tape, but cannot modify it. If you plan to archive data, we recommend that you do it on a yearly cycle.

Source: Stan Kosciuk
President, Municipal Information Systems, Inc. ❑

UCCARS System I/III

Training began in April to bring all UCCARS System I municipalities onto System I/III. We have conducted 20 training programs throughout the state, training 142 municipalities. The municipalities received the program, training, and manual free of charge.

System I/III will now allow you to schedule and track all inspections; record and track all plan review from initial application through all resubmissions to final approval, and, finally, track all ongoing inspections, including elevators, cross-connections, backflow prevention devices, and sprinklers.



Stan Kosciuk, President of Municipal Information Systems, conducts the first System I/III training program.

For whatever reason, several municipalities did not take advantage of this training program. At this time we do not plan any more live System I/III training, but we have videotaped the training program. If you have not been trained and want to receive the System I/III program, manual, and training video, please request so in writing to: DCA Education Unit, CN 816, Trenton, NJ 08625.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Warranty Stories

As many of you know, new home warranties are applicable to modular homes, and, with the exception of the so-called HUD/FHA sealed homes (technically, homes built in accordance with the Federal Mobile Home Construction and Safety Standards Act), the warranty requirement must be satisfied prior to issuance of a Certificate of Occupancy. This is true, however, only when one of the participants in the transaction acts in the role of a new home builder. A new home builder is one who is responsible for the complete package.

As a practical matter, modular homes built for the purpose of sale by an owner will always require that the owner/seller give a warranty to the purchaser. The case where a landowner decides to have a house built to occupy as a primary or secondary residence is the one which presents the problem. Essentially, if the landowner contracts with a modular home dealer for the foundation and the modular components, the dealer is acting as a general contractor and must provide a new home warranty.

(continued on page 4)

Consider, on the other hand, that often the landowner contracts for the foundation independent (meaning contracting directly with separate contractors/vendors) of the purchase of the modular unit. In this case, the landowner is acting as his or her own builder, and a warranty is not applicable.

Recognizing that real situations are never this simple, I am available at 609/530-6183. Call if you have a good one. And remember to get the affidavit signed.

Source: Peter Desch
Chief, Bureau of Homeowner Protection ❑

A "DOs and DON'Ts" List

Some construction officials, in an effort to be helpful to homeowners applying for building permits, have developed their own guidelines for permit applications. These guidelines are often checklists of various requirements. The development of such guidelines is good public relations; however, caution should be exercised when developing and distributing them.

For example, a good practice is to *avoid the use of drawings and sketches*. Sketches and drawings are dangerous for two reasons. One, they often become the method that the homeowner thinks he or she *must* use; no longer are they just guidelines. Homeowners use them as if they were plans. Their rationale is, why should I deviate from this sketch when I know this is what the code official will accept? The second reason is closely related to the first: if such sketches are used as more than guidelines, they can be construed as design. Code officials are neither responsible for, nor qualified to practice, building design.

Another good practice is to *make any guidelines general in nature*. Referring to specific code requirements will require endless updating of the guidelines. Take for example, smoke detectors. Over the past few years, smoke detector requirements for newly constructed, single-family dwellings have evolved from a single, battery-operated detector, to hardwired detectors on each level, to hardwired detectors with battery back-up on each level and in all bedrooms. Rather than list these specific requirements, the guidelines can simply state "indicate location and power source of detectors," and cover these as well as future changes.

In addition to helping make the guidelines more flexible, general rules also help you to avoid technical inaccuracies in your checklist. For example, stating that homeowners must provide R-13 insulation in the walls and R-30 insulation in the ceiling is simply not correct. First of all, the amount of insulation is dependent on the amount of glazing, spacing of members, etc., and second, the Energy Code allows for under-insulation of one component if another component is over-insulated. (e.g., under-insulation of walls is allowable if ceiling is over-insulated to compensate).

A good approach is to *prepare a "Dos and Don'ts" list* for the homeowner; and remember to *identify the scope of your checklist*. For example:

Permit Application Requirements for Single-Family Detached Dwelling (R-3 & R-4)
The "DOs and DON'Ts"

–*Do* provide a site plan showing location of dwelling in relation to lot lines.

–*Do* provide plans showing front, rear, and side elevations, foundation plans, floor plans.

–*Do* include structural framing notes and a loading schedule, indicating live loads.

–*Don't* forget to provide the following details: (etc.)

I certainly do not want to develop a State-"approved" checklist here. However, if you properly identify the scope of your checklist, avoid the use of drawings and sketches, and base your checklist on general rather than specific requirements, I'm sure that you will end up with a checklist that will provide good public relations and will not cause any conflicts with the regulations.

P.S. You may want to look at *N.J.A.C.* 5:23-9.2, "Interpretation: Construction Permit for a Single-Family Residence" when developing your list.

Source: Michael Baier
Code Specialist, Code Assistance Unit ❑

Means of Egress Lighting and Barrier Free Access

When plans are submitted to make existing buildings comply with Barrier Free Access (or ADA provisions), building subcode officials sometimes overlook the requirement for proper illumination of means of egress and exit discharge. The building subcode, under Section 823.0 of *The BOCA National Building Code/1990 with 1991 Supplement*, establishes the intensity of illumination required for exit discharge and means of egress.

The plan review and construction inspection functions in Article 8 of the building subcode are the exclusive responsibility of the building subcode official. Accordingly, building subcode officials are advised to take a careful look at the plans to ensure that proper intensity of illumination (meeting the requirements of Section 823.0) is provided for the proposed construction for barrier free access, such as ramps, etc. In case the existing intensity of illlumination is found to be inadequate, the building subcode official must inform the owner, and advise him or her to submit to the electrical subcode official electrical plans for augmenting the intensity of illumination.

Sources: Richard Marshall
Victor V. Timpanaro
M.E.I.A. New Jersey ❑

Carnival Wiring

In the past, there has been some confusion among code enforcement authorities regarding the inspection responsibility for the electrical works in carnivals which travel around the State, setting up temporarily at different locations. The Uniform Construction Code under Section *N.J.A.C.* 5:23-3.11A(b)1 identifies the New Jersey Department of Labor (NJDOL) as the sole enforcing agency for amusement rides, pursuant to the Carnival–Amusement Rides Safety Act (*N.J.S.A.* 5:3-31 *et seq.*)

A common misconception is that all electrical work in carnivals, except for service connections, is regulated by NJDOL under the Carnival–Amusement Rides Safety Act. This, however, is not true, and to clear up the misconception, the Electrical Subcode Committee discussed the subject at several meetings. Based on the scope of the Carnival–Amusement Rides regulations (*N.J.A.C.* 12:195) and the scope of the electrical subcode under Section 90-2(a)(1) of the *National Electrical Code 1990*, the Committee confirmed that all electrical work in the carnival, *except for the wiring and associated equipment on the ride itself, including the grounding of the rides and of the generating system, if any, as covered under N.J.A.C. 12:195-3.10*, shall be under the jurisdiction of the local enforcing agency.

Accordingly, it is the responsibility of the local enforcing agency to ensure that all electrical work in the carnival, *except on or of the ride*, is safe and conforms to the regulations of the New Jersey Uniform Construction Code. If, in the course of inspection, any visible violation of the electrical subcode or potential safety hazard is noticed on the ride, electrical subcode officials are advised to immediately notify the Office of Safety Compliance, NJDOL, at 609/292-2098.

Source: Ashok K. Mehta
Principal Engineer, Code Assistance Unit ❑

No Transcripts

For the first time, inspectors will not receive transcripts at the conclusion of this semester. Don't panic—our new computer program enables us to bring our inspectors up-to-date at the stroke of a key. We can tell them when their licenses expire, what seminars they have taken, and what they need to take in order to meet their educational requirements.

It is still important for you to keep the certificates of completion that you receive at each seminar: these are *your* only proof that you attended a seminar. We recommend that you keep them in a binder for quick reference.

If you have any questions regarding educational issues, please call 609/530-8798.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❑

Foundation Requirements

Builders, developers, architects, and engineers should be reminded about their responsibilities when filing permit documents, particularly for the building foundation. *The BOCA National Building Code/1990* Section 1201.1 requires all applications for permits for the construction of new buildings or structures to be accompanied by a statement describing the soil in the Ultimate Bearing Strata, including sufficient records and data to establish its character, nature, and load-bearing capacity. Such records must be certified by a licensed professional engineer or a licensed architect pursuant to the New Jersey Building Design Services Act and *N.J.A.C.* 5:23-2.15(e)1(vi) and (vii).

Additionally, *The BOCA National Building Code/1990* Section 1224.2 requires the owner or applicant to provide a groundwater table investigation or provide waterproofing or floodproofing for both basement slab and foundation walls. This section provides one more option: satisfactory data from adjacent areas which demonstrate that groundwater *has not* been a problem, certified as above, is acceptable.

Source: Ronald E. Estepp
Construction Official, Hillsborough Township ❑

Federal Census Items

Recently, construction officials received an information bulletin, C-404(B), on the Federal Census. This article is meant to clarify a few points.

The first point is to more clearly define "out-of-scope work" (O/S). This work may include a vast array of things. Commonly, roofing and siding, asbestos removal, boilers, elevators and escalators, fireplaces, and HVAC equipment are considered to be out-of-scope work, as are installations, such as plumbing, electrical, and mechanical work. Always check the classification of construction to verify.

Second, if you are using UCCARS, a new number (999) has been provided for out-of-scope work. All entries to the program must have a number. Updates will automatically have the original census item number entered. Be sure to check those items that require no census number. In UCCARS, they will all be out-of-scope. Another new feature is that your Federal Census Report will now show the names of your municipality and county.

The third point is geared toward those who are doing manual reports. On your permit and certificate logs you should enter O/S under "census number" for all out-of-scope-work. It is not included in your Federal Census report, but it will be included on your Municipal Activity Reports for permits and certificates.

I hope this new information will be helpful to you.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❑

11th Annual Building Safety Conference

The Building Safety Conference seems to keep getting better and better! Maybe we all have short memories, but most of those attending the 1992 conference on April 8–10 felt we had the best yet.

On Wednesday, April 8, nearly 300 inspectors attended the Crackerbarrel roundtable discussion session. There were 35 tables from which inspectors could choose to attend according to which topics interested them. They were then able to participate in the discussions and get answers to any specific questions related to the topic.

On Thursday and Friday, April 9–10, the 600 inspectors present had the opportunity to attend two of the 24 seminars being offered.

As always, the highlight of the conference was the Inspector of the Year Luncheon. This year, Charles M. Decker, Assistant Director of the Construction Code Element, and the four state associations presented the Inspector of the Year awards. The recipients of these awards were:

Building Inspector: Robert Mittermaier
Electrical Inspector: Robert McCullough
Fire Protection Inspector: Gary Lewis
Plumbing Inspector: Samuel DePadova

Congratulations to all four for their professional accomplishment and outstanding achievement.

1993 Building Safety Conference

The 12th Annual Building Safety Conference of New Jersey will be held at the Taj Mahal Casino Resort on May 5–7, 1993. Room rates for next year's conference will be $85.00 per night, and we anticipate the registration fee to be about $45.00. Of the inspectors who responded to this year's conference evaluations, nearly a 3–to–1 majority indicated a preference for returning to the Taj Mahal.

Source: William Hartz
Chief, Bureau of Technical Services ❑





Clockwise from bottom left: **Robert Mittermaier, Building Inspector of the Year, and Russell Lindsay, President of the Building Officials Association of New Jersey; Robert McCullough, Electrical Inspector of the Year, and Richard Marshall, President of the Municipal Electrical Inspectors Association of New Jersey; Gary Lewis, Fire Protection Inspector of the Year, William Schultz, President of the Fire Prevention and Protection Association of New Jersey; Samuel DePadova, Plumbing Inspector of the Year, and Daniel Danyanovitch, President of the New Jersey State Plumbing Inspectors Association.**







Vivian Lopez, Chief of the Bureau of Regulatory Affairs, and William Hartz, Chief of the Bureau of Technical Services, standing by the FEMA Sprinkler Demonstration Trailer.

Residential Sprinkler Demonstration

On Thursday, April 9, 1992, the FEMA Sprinkler Demonstration Trailer went to work at the Building Safety Conference. For those who have not seen the demonstration, I'll provide a brief description.

The trailer has a place for two people to sit inside while the fire is set. Vivian Lopez, Chief of the Bureau of Regulatory Affairs, and I were selected for that honor. The fire starts in a wastepaper basket, spreads up a curtain to the ceiling, and then, one residential sprinkler head is activated.

The clock started when the match was struck. By the time the flames were 8 feet high and had reached the ceiling, a total of 22 seconds had elapsed. The residential sprinkler head activated and the fire was out. The clock was stopped; a total of 25 seconds had elapsed from the strike of the match to the extinguishment of the fire. This was a very impressive demonstration, especially from *inside* the trailer.

I would like to thank the following people for making the demonstration possible.

Code official Lew Ford and code inspector Billy Knickerbocker from Chenango County, New York, for bringing the FEMA trailer to the conference and performing the demonstration.

Ken Lehn, Regional Manager of the National Fire Sprinkler Association, and William Schultz, President of the Fire Prevention and Protection Association, for arranging the demonstration.

And finally, Chief Benjamin Brenner and Chief Fire Inspector Joseph Goukler and the Atlantic City Fire Department, for letting us start a fire in the parking lot of the Taj Mahal.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Building Safety Week Observed in City of Linden

We in New Jersey often think of Building Safety Week as a lot of training seminars in Atlantic City and the Inspector of the Year awards, but there is a lot more to it than that. The City of Linden recently observed Building Safety Week the way it was meant to be.

Construction Official Thomas Caverly and Mayor John T. Gregorio worked together to inform the public of the importance of construction code enforcement to their health, safety and welfare. A large banner stating "Linden Celebrates Building Safety Week" hung in front of City Hall; Mayor Gregorio issued a proclamation; the local newspaper ran an article on the importance of construction codes and their enforcement, and the code enforcement office handed out material on building codes, building permits, and their own booklet on the permit process.

Remember—"Building Safety is No Accident." Code officials must do their jobs, but for the system to work, the public must understand the importance of the permit and inspection process.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Old Standard Forms

At this point I'm sure most municipalities realize that many of the standard forms have been changed. Many of these changes were made necessary by the adoption of the elevator subcode. The new forms become effective July 1, 1992, and all municipalities should already have received their copies of the new mechanicals.

What do you do with the old forms you have left? Use them! With the exception of the permit and certificate logs and monthly activity reports, the changes are not drastic. We do not expect any municipality to throw forms and money away. You may use your existing forms up to, but not beyond, December 31, 1992. For example, if you are issuing a permit after July 1, 1992, that involves an elevator, use the new permit form F170C and the placard F180B. But, if it is an electrical permit only, use the old forms F170A and F180A. As your stock of existing forms becomes depleted, of course, order only the revised forms.

Source: William Hartz
Chief, Bureau of Technical Services ❑

FRT Plywood Roof Sheathing

During the 1980s fire retardant treated (FRT) plywood roof sheathing was widely used in roofs for townhouses and condominium complexes. This plywood was used because of its ability to hinder the progress of fire.

Recently, it was discovered that solar heat, which intensifies in attics, causes the chemicals in FRT plywood roof sheathing to attack and weaken the structure of the plywood, causing its deterioration and possible failure. Ironically, the plywood is being destroyed by the very chemicals that were designed to protect the roof in the event of fire.

Because of the possible FRT deterioration and failure, Governor Florio signed into law PL 1991, c.202. This law establishes a procedure for funding correction of defective FRT plywood roof sheathing, regardless of the warranty plans in which the homes are enrolled and in effect during the ten-year life of the warranty coverage in accordance with chapter 25 of the New Home Warranty and Builder's Registration Act. This act became effective October 10, 1991. Regulations (*N.J.A.C.* 5:25A-1 et seq.) implementing the law will be adopted shortly.

Application packages detailing what information is required to file a claim are available to homeowners, groups of homeowners, community associations, builders, and warranty guarantors. When an application is completed, an appointment is scheduled for FRT plywood roof sheathing inspection. A roof inspected and classified as failure, in accordance with *N.J.A.C.* 5:25A-2.5, is funded for repair. *N.J.A.C.* 5:25A-2.7 requires a building permit for remediation, to comply with the New Jersey Uniform Construction Code (*N.J.A.C.* 5:23).

For information and applications, contact the FRT Unit of New Home Warranty program at 609/530-4878, Monday through Friday, between 9:00 A.M. and 5:00 P.M.

Source: Salvatore Melillo
Supervisor, FRT Unit
Bureau of Homeowner Protection ❑

Handrails: Send Us Your Samples

By the time this article is printed, construction officials either will have received, or will be about to receive, a bulletin concerning the "equivalent graspability" of handrails.

The BOCA National Building Code/1990 in Section 825.2.4 allows only handrails of certain shapes to be installed where functional rails are required by code; however, rails of "equivalent graspability" are to be accepted.

The Department-approved bulletin advises you, in essence, to roll up your shirtsleeves, invite applicants to bring samples of handrails into the office, and test them out by grasping them.

While national researchers have already tested some common sizes and shapes and come to their conclusions, the Department and the Code Advisory Board encourage officials themselves to do some research by trying out different rail shapes. We purposely are not yet sending pictures of rails which other researchers have branded "good" or "no good" because we think all rail shapes, by all manufacturers, should be given a try. Applicants should be asked for a 4"–6" length sample (not a 1/8" cross-sectional cut) so that one can try gripping the handrail.

National researchers have based their conclusions on an average adult male hand, so it is a continuing concern that rails used primarily by small children may need to be smaller in overall diameter. Handrails already tested by national researchers have tended to be very simple shapes, and we are interested in the results of graspability trials for more unusual handrails which may have grooves, notches, patterns, or other features which allow a good grasp despite an otherwise large overall diameter.

Please send samples and/or results of your trials to the Department, addressed to: Chrys Wyluda, Department of Community Affairs, Construction Code Element, CN 816, Trenton, NJ 08625-0816.

If we receive a significant number of useful examples, we hope to compile a chart of some unusual but acceptable shapes to provide guidance and uniformity among municipalities.

Source: Chrystene Wyluda
Code Development Unit ❑

Certificate of Approval

The Certificate of Approval is a very useful tool for the code enforcement office. It is also very misunderstood. In the recent subscription service transmittal you received, there are two items that should help clear up any confusion.

Under definitions in *N.J.A.C.* 5:23-1.4, a Certificate of Approval means a certificate issued pursuant to *N.J.A.C.* 5:23-2 upon completion of work that requires a construction permit but not a certificate of occupancy. *N.J.A.C* 5:23-2.8, Installation of Equipment, gives several general examples and concludes by stating it shall be unlawful to use such equipment until a certificate of occupancy, certificate of approval, or certificate of compliance, as appropriate, has been issued.

For every permit issued stating that work may begin, there is now a certificate stating the work has been successfully completed. This system is beneficial to *both* the permit holder, who has paid for the inspections and now has documentation that the work was successfully completed, and the municipality, which has a useful tool to close out all open permits.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Interior Finish Requirements

In an unsprinklered single-family home of Use Group R-3, a prefinished wall panel comprised of wood fiberboard and jute fabric has been installed. The panel is reported as a single thickness of woven fabric wall covering bonded directly to a listed wood fiber substrate. The standard product had been tested and assigned a Class III flame-spread rating. The question is, which of the following *BOCA National Building Code/1990* sections will apply to this product—Section 922.5 Interior Finish, or Section 922.7 Textile Wall Coverings?

If we conducted a survey, the opinion of the code enforcing agencies would, perhaps, be divided fifty–fifty. This lack of agreement is no cause for concern, though, since even BOCA staff has given conflicting interpretations! In the first shot, BOCA was in favor of enforcing Section 922.7, treating the product as a textile wall covering based on its woven surface appearance. And, because flame-spread tests according to ASTM E84 may not reliably predict the fire behavior of textile wall coverings, BOCA recommended that this product be required to meet at least one of the following two "acceptance criteria" of Section 922.7:

–The product must be tested by an approved testing agency for Class I flame-spread rating, and it must be used in a room or area protected by an approved fire suppression system.

–The product must be tested in accordance with the room/corner fire test procedure.

Obviously, the product was rejected under Section 922.7 as it failed to meet either one of the above requirements.

Sometime later, BOCA had a second thought. They *accepted* the product under Section 922.5, for use in the one- and two-family dwelling of Use Group R-3, based on the following considerations:

–The product is installed in the field as a prefinished material and should be evaluated as an interior finish.

–It has the required Class III flame-spread rating.

It is interesting to note here how divergent or difficult the code enforcement decision can be at times! Let's work together to make it more uniform and less painful.

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit ❑

Preparing for 1992

The 1992 supplements to the BOCA and NSPC codes have not yet been adopted. We are printing the following two articles, "What's New in '92" and "Seismic Design Provisions in BOCA's 1992 Supplement" to give you advance information on these supplements. But remember—as of this date, these supplements have *not* been adopted in New Jersey.

What's New in '92

It's that time of year again. That's right, it's supplement time. Just when you thought you had all the regulations down pat, it's time to change them. Here is a brief rundown of some of the more significant changes in the 1992 supplement to the 1990 *National Standard Plumbing Code.*

Definitions—Just when we were all sure what a public fixture, private fixture, and public toilet room were, they've changed the definitions. Now we have:

Plumbing fixture–private use: A fixture in a residence or a fixture in some other use that serves 5 or fewer people.

Plumbing fixture–general use: essentially, any fixture that doesn't fall under the definition of private use.

Public toilet room: A toilet room that serves the transient public, such as a toilet room in a library, train station, etc.

Interceptors—Section 6.3.1 subsection b recognises that an above-ground tank can be used to store the run-off from an oil interceptor.

Table 7.24.1—There's no suprise that this section has been changed; it seems to change every year. What *is* surprising is that the code finally tells you where to get the occupant load used to determine the required number of fixtures. The table now states that if egress numbers are provided, two-thirds of that number should be used when applying the table.

Mixed water temperature control—The *National Standard Plumbing Code* finally bit the bullet, almost. Many code bodies have already started to require thermostatic or pressure balance mixing valves in single family dwelling units, and in the 1992 supplement the NSPC took a giant step in this direction. The code basically gives you two options provide the anti-scald valve or size the water distribution system at 4 feet per second.

Appendix D–Water conservation—It seems we can finally stop fighting about where self-closing faucets are required. In the 1992 supplement, the code calls for self-closing or self-metering faucets only on those lavatories that serve the transient public.

If you don't already have a copy of the '92 Supplement, it is available from the National Association of Plumbing–Heating–Cooling Contractors, P.O. Box 6808, Falls Church, VA 22040.

Source: Michael Baier
Code Specialist, Code Assistance Unit ❑

Seismic Design Provisions in BOCA's 1992 Supplement

The seismic design provisions in BOCA's 1992 Supplement are new and comprehensive. These are based on NEHRP (National Earthquake Hazard Reduction Program) recommendations. The NEHRP provisions are developed by the BSSC (Building Seismic Safety Council) with funding from FEMA (Federal Emergency Management Agency). Eleven BSSC technical committees keep the NEHRP provisions updated. These provisions are aimed at nationwide improvements in seismic design.

Following are the highlights of the new seismic design provisions:

–Design and construction requirements are a function of Seismic Performance Categories (A to E, representing minimum to maximum seismicity) rather than seismic zones. The Seismic Performance Category classification includes consideration of the seismicity of the site and the nature of the building occupancy. Buildings, classified by necessity and occupancy, are divided into three hazard exposure classifications (Group I, II, and III).

–The seismic risk map consists of contour lines of ground acceleration coefficients. The concept of seismic zones has been deleted, and thus is not reflected on the new maps.

–Generally, buildings sited where the design ground acceleration is greater than 5 percent of gravity are required to be constructed for earthquake effects. This includes geographical areas which, in the past, have been considered to be in Zone 1, in addition to areas of higher seismicity.

–The design of steel, concrete, and masonry seismic-resisting systems is based on the ultimate strength or factored allowable stress method, rather than on working stress.

–Seismic-resisting system ductility provisions (i.e., structural system detailing requirements) are included. The detailing requirements replace the concept of increasing the seismic design loads for certain buildings in the same area with an occupancy "importance" factor.

–Design requirements for mechanical, electrical, and architectural building components and systems have been expanded and clarified.

In some instances, special inspection may be required for field construction items which are critical to the seismic performance of the building. Applicability of the new code provisions in existing buildings undergoing additions has been further clarified.

UCC regulation *N.J.A.C.* 5:23-9.4 divides New Jersey into seismic zones I and II and provides peak effective velocity-related acceleration values (Av) by county. These requirements will not conflict with the new seismic provisions. Although seismic design of buildings will no longer be based on zones, seismic hazard exposure group matched with the effective peak velocity related acceleration values will provide a sound basis for an adequate degree of seismic design protection. For New Jersey counties, we will continue to use the same Av values as adopted under *N.J.A.C.* 5:23-9.4, and no interpolations will be required.

Initially, it may be difficult to identify the right formula in the code book for calculation of seismic forces. Nevertheless, a careful, step-by-step reading of the code will help you figure out which formulas to use for a specific design and for code compliance. Attending one of BOCA's workshops on the use and application of the seismic design requirements may be of great help, too.

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit ❑

Congratulations

The Department congratulates BOCA Chapter 51, the Code Officials Association of Central New Jersey, for being named the Chapter of the Year. Chapter officers are President Ronald E. Estepp, Hillsborough Township; Vice President Paul D. Leary, Jr., Pemberton Township; Secretary Thomas Johnson, South Brunswick Township; Treasurer Donald Turner, Lawrence Township; and Immediate Past President Thomas Millar, West Windsor Township.

The award entitles the chapter to two seminars offered by BOCA. They have selected "Special Inspections" on September 9, 1992, and "Residential Mechanical Inspections" on October 14, 1992. Both seminars will be held at the Princeton Ramada Hotel on U.S. Route 1 in South Brunswick Township.

If space permits, Chapter 51 will open the seminars to the BOANJ membership. CEUs will be awarded. Please contact Thomas Johnson, Township of South Brunswick, at 908/329-4052, extension 341.

Congratulations to the officers and their membership!

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❑

Master Plumber's License: Interpretation Update

We Gave You the Right Advice!

You may recall an article on the Master Plumber's License by Michael Baier which appeared in an earlier edition of the *Communicator* (Vol. 2, No. 1, Spring 1990). The article explained that, pursuant to a legal opinion by the State Attorney General, "... code officials cannot require that those people applying for a permit to perform plumbing work outside a building have a Master Plumber's License . . ." with the exception of the installation of backflow prevention devices and the capping of water and sewer lines.

On April 30, 1992, the Appellate Division of the New Jersey Superior Court affirmed the Attorney General's opinion letter

following a lawsuit and an appeal by the Mechanical Contractors Association of New Jersey. This means that our 1990 advice to you is still right: a Master Plumber's License *cannot* be required for work outside a building, with the two exceptions mentioned above. The court agreed with the Attorney General's opinion that to restrict work outside a building would be unconstitutional in New Jersey, and the court agreed that the Attorney General had the power to make this decision.

Source: Chrystene Wyluda
Code Development Unit ❑

New Jersey Register Adoptions

Date	Adoption
4/6/92	24 *NJR* 1397(a) Building Subcode; Elevator Safety Subcode Adopted Amendments: *N.J.A.C.* 5:23-2.23, 3.4, 3.11, 4.20, 4.24, 12.4, 12.5, and 12.6, effective 4/6/92.
	24 *NJR* 1399(a) Enforcing Agencies Municipal Enforcing Agency Fees Adopted Amendment: 5:23-4.17, effective 4/6/92.
4/20/92	24 *NJR* 1475(b) Mechanical Subcode; Indoor Air Quality Subcode Adopted Amendments: *N.J.A.C.* 5:23-1.1, 3.4, 3.11, and 3.20. Adopted New Rule: *N.J.A.C.* 5:23-3.20A, effective 4/20/92.
5/18/92	24 *NJR* 1879(a) One and Two Family Dwelling Subcode Adopted Amendments *N.J.A.C.* 5:23-3.21, effective 5/18/92.
	24 *NJR* 1879(b) Notice of Administrative Correction Uniform Construction Code Fees *N.J.A.C.* 5:23-4.20.
	24 *NJR* 1907(a) Notice of Code Change Proposal Hearing: Friday, July 31, 1992, 9:30 A.M., Bldg. 3, 3131 Princeton Pike, Lawrenceville, NJ.
6/1/92	24 *NJR* 2052(a) Municipal Enforcing Agencies Adopted Amendments *N.J.A.C.* 5:23-2.14, 4.5, 4.18, 4.20, and 9.5, operative 7/1/92.

Source: E. Maria Roth
Code Assistance Unit ❑

Another Commercial Farm Building

As many officials know, the Uniform Construction Code (UCC) has contained special provisions for "commercial farm buildings" at *N.J.A.C.* 5:23-3.2(d) since 1988. These are certain exemptions and special requirements for farm buildings, usually large in volume, but with little or no human occupancy, and contents of low flammability.

On May 26, 1992, pursuant to P.L. 1992 C. 12, state law declared that a certain type of greenhouse is a commercial farm building. This is "a greenhouse constructed in conjunction with the odor control bio-filter of a solid waste or sludge composting facility, which greenhouse produces not less than $2500 worth of agricultural or horticultural products in addition to its function as a cover for the bio-filter, shall be considered a commercial farm building for the purposes of this act, provided, however, that the greenhouse is not intended for human occupancy."

Source: Chrystene Wyluda
Code Development Unit ❑

Permit Coordination Courses

The State Commerce Department's Office of Business Advocacy will offer a course teaching the fundamentals of obtaining construction-related permits through state regulatory agencies. The course will be offered at Middlesex County College in Edison on Monday evenings, 4:00–6:00 P.M., from September 14 through November 16. Tuition is $150. For space reservation and further details, contact Program Coordinator Sheryl Worth at 609/292-0700. ❑

Correction

In the last issue of the newsletter (Volume 4, Number 1 Spring 1992) an article appeared on page 3 concerning low volume water closets. The article stated that water closets in uses A, B, E, and M needed to be pressure-type (flushometer tank or flushometer valve) fixtures. The article neglected to mention the exception to this requirement: for use groups A, B, E, and M buildings requiring only one water closet per sex, gravity type fixtures are allowed.

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Center for Government Services at Rutgers, The State University. Editor: Hilary Bruce. Address changes, subscription requests, comments, and suggestions may be directed to the **DCA Publication Unit, CN 816, Trenton, NJ 08625-0816**.

Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Stephanie R. Bush, Commissioner

Volume 4 Number 3 *Fall 1992*

The Permit Extension Act

All construction officials should have received a letter from the Assistant Director of the Construction Code Element, Charles M. Decker, concerning the "Permit Extension Act," P.L. 1992, c. 82. This act, signed into law by Governor Florio on August 7, 1992, provides that many types of permits and approvals, including those granted under the State Uniform Construction Code Act (UCC), which either have expired or are due to expire during the period from January 1, 1989 to December 31, 1994 are to be extended to December 31, 1994.

This means that some permits for building planned under previous editions of our UCC subcodes will require review and inspection under those earlier subcodes. Also, questions may arise concerning whether permits which constitute prior approvals are to be extended (DEPE and DOT permits, etc.).

Permits and approvals specifically mentioned in the Act include:

1. Soil erosion and sediment control plan approval
2. Waterfront development permit
3. Wetlands permit, with some exceptions for certain areas of "exceptional value" and certain transitional areas
4. Delaware River Canal Commission permit
5. HMDC permit
6. Pinelands permit, with some exceptions
7. CAFRA permit
8. Department of Transportation permit
9. Sewerage authority approval
10. Municipal utility authority permit
11. County planning board approval
12. MLUL approval (preliminary and final), unless, prior to January 1, 1992 an R use was rezoned I or C, or wetlands transitional areas are included
13. UCC permit
14. Water supply management permit
15. Well drilling permit
16. Exemption from a sewer ban, with some exceptions
17. Sewer connection permit, with some exceptions
18. Water quality permit
19. Stream encroachment permit
20. Flood hazard permit

The Permit Extension Act specifically *excludes* (no extension for) federal permits, DEPE administrative consent orders, and approvals for resource recovery facilities. Construction officials with questions are encouraged to call the Construction Code Element's Technical Services Section (609/530-8793) for help.

Source: Chrystene Wyluda
Code Development Unit ❑

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Mechanical Inspector License

A proposal has been submitted to the *New Jersey Register* to create a mechanical inspector's license. This article is based upon the proposal as it was submitted and does not reflect any changes that may have occurred during the adoption procedure. Once the regulations have been adopted, please read them carefully to see how they pertain to you and your municipality.

The present regulations spread mechanical code responsibilities across the building, fire protection, and plumbing subcodes, often requiring that three or four different inspectors inspect a single piece of mechanical equipment. The existence of a mechanical inspector will mean a much more efficient and less costly method of performing mechanical inspections in use groups R-3 and R-4.

The easiest way to explain the provisions of the proposed regulations is to list them:

1. Use of the mechanical inspector is voluntary. If a municipality chooses to continue to send multiple inspectors, that is acceptable.
2. The mechanical license is for mechanical plan review and inspection in use groups R-3 and R-4.
3. The mechanical inspector's license does *not* affect the classification of a municipality.
4. A person holding a valid inspector's license may apply for the mechanical inspector's license by completing three National Certification Tests. They are:
   - 4A Mechanical 1 and 2 Family
   - 4B Mechanical General
   - 2A Electrical 1 and 2 Family

   No additional courses or experience are required for licensure. Results of any of the examinations already successfully completed and currently used for licensure may be submitted at the time of application; examinations need not be retaken.
5. An additional 1.0 CEU technical in each two-year licensing period will be required to renew the mechanical license.
6. A mechanical inspector must be employed by either a municipality or the state, and is assigned by the construction official. A municipality may have more than one mechanical inspector.
7. A flat fee shall be set for mechanical inspectors in use groups R-3 and R-4. No separate fee shall be charged for gas, fuel oil, electrical, or water piping connections associated with the mechanical equipment.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Reciprocal Licensing Update

"Reciprocal licensing" refers to *N.J.A.C.* 5:23-5.5(d)5, which states: "An applicant who is licensed as a building inspector, electrical inspector, fire protection inspector or plumbing inspector shall be eligible for licensure as an inspector at the same level or lower in any other subcode, other than the elevator safety subcode, upon satisfactory completion of the approved educational program, if applicable, and the examination for licensure as an inspector in that other subcode, provided that the applicant has at least the number of years experience required for that other subcode inspector's license."

This policy continues in *N.J.A.C.* 5:23-5.7(a)6, which states: "A person who is already licensed as a building, plumbing or electrical subcode official shall be deemed to have satisfied the experience requirement for any other subcode official license other than the fire protection or elevator subcode official license."

For several years the state associations representing the inspectors argued that, although many inspectors receiving reciprocal licenses were knowledgeable regarding the written code provisions, they lacked the experience to make decisions in the field given irregularities in the project or any circumstances unforseen by specific code provisions. The Department has agreed with these concerns.

On August 3, 1992, the Department submitted a proposal to the *New Jersey Register* to amend the subcode official requirement by deleting *N.J.A.C.* 5:23-5.7(a)6 and requiring the following experience in the new subcode area:

1. Three years of experience as an inspector or in a skilled trade directly related to that subcode; *or*
2. Two years of experience in that specific subcode area after obtaining a degree in architecture or engineering; *or*
3. One year of experience in that specific subcode area subsequent to becoming a licensed engineer or registered architect in the State of New Jersey.

The items listed above summarize the proposal; please read the adopted regulation for the exact wording.

This regulation change continues to allow inspectors to obtain reciprocal inspector's licenses and all the benefits accompanying them, but these persons will now be under the supervision of a subcode official until they gain the necessary experience for the subcode official license.

One final note—this proposal shows what can be accomplished when the Department works in cooperation with the inspector associations. The result is that everyone wins—the public is assured that all inspectors are highly qualified, and the inspectors and municipalities continue to benefit from the additional technical licenses.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Dow Corning Announces Fire Stopping Product Withdrawal

The Department has recently learned that Dow Corning has issued a Product Withdrawal on Fire Stop Intumescent Wrap Strip 2002, which has been on the market since 1987. The product, used as a fire stop on plastic and wrapped pipe, was designed to expand and fill in any penetration after the failure of the pipe when exposed to fire. Originally, the product was tested and approved under ASTM-E-814 and was granted UL Approvals 180, 181,184, 185, 186 and 242 in the *UL Building Materials Directory.*

Manufacturer's testing of the product after it had aged several years found that the product could not meet the original ASTM and UL tests under which it was granted approval. To date, Dow Corning knows of *no* field problem on existing installations. The company is using the UL lab to conduct further tests to determine the full extent of the problem and to develop any necessary retrofit for existing installations.

The Department advises all code officials not to accept this product on any new installations. Also, please contact the Bureau of Technical Services if you have found any problems with the product. The Department will continue to monitor the situation and will advise accordingly.

Source: Robert Hedden
Construction Official
Construction Project Review ❑

Codes vs. Standards

The relationship between "adopted subcode" and "referenced standard" is often misunderstood. It is a common belief that the subcode and referenced standard should be enforced concurrently, and that the most restrictive requirements will apply in case of a conflict between them. The following paragraphs will remove such confusions.

Subchapter 3 of the *New Jersey Uniform Construction Code* contains a number of subcodes which have been adopted as administrative statutes. These adopted subcodes refer to certain standards. During the code enforcement process, the referenced standard is consulted when the subcode so requires. When applying the requirements of these standards, the adopted subcodes take precedence over the standards. Likewise, the primary referenced standards take precedence over the secondary referenced standards.

The following example concerns the extent of applicability of the provisions contained in the 1990 *National Electrical Code*, relative to the BOCA *National Building Code/1990*, specifically as BOCA's reference standard (NFPA 70-90). *NEC*'90 Section 645-2(5) requires a computer room to be "separated from other occupancies by fire-resistant-rated walls. . . ." According to UCC regulations as mentioned above, references to the *NEC* in the 1990 BOCA *National Building Code* do not mandate compliance with the *NEC* provisions relative to "building" components such as walls, floors, or ceiling construction. These building components are regulated by the BOCA *National Building Code*.

All possible efforts will be made to delete conflicting code provisions like the one cited above during the code adoptions. Nevertheless, where differences occur between the adopted subcode and referenced standard, the provisions of the subcode will apply.

Source: Farid Ahmad
Supervisor, Code Assistance Unit
Bureau of Technical Services ❑

State Training Fee for Alterations

On August 3, 1992 a proposal appeared in the *New Jersey Register* providing for a training fee on alterations with an expected effective date of October 1, 1992 (fourth quarter). The new fee will allow the Department to continue to provide the highest quality training and support for New Jersey's code enforcement community without raising the fees on new construction.

Permits for new buildings with volume will continue to require a training fee of $0.0016 times the cubic volume. There is no change in the regulations for any new buildings or additions with new cubic volume.

If the permit is for an alteration, however, a training fee will be now collected at a rate of $0.0008 ($0.80 per $1000) times the cost of the alteration. For example, a $2500 reroofing permit would collect a $2 training fee, a $5000 siding permit would collect a $4 training fee, and a $10,000 plumbing and electrical alteration would collect an $8 training fee.

When doing an addition with an alteration to the existing structure, the process is just as simple. The training fee for the addition is computed by volume. In this example, there is also a $2500 electrical alteration to the existing structure on the same permit. This adds a $2 training fee collected on the electrical subcode form. The key is knowing the cost of the alteration.

Last June each municipality was mailed new forms with a state training fee shown on each subcode section. With the adoption of this proposal the new state training fee forms (R840B) has been mailed to each municipality.

Everyone in the construction industry benefits from well trained and qualified inspectors. The State Training Fee ensures the construction code inspectors of New Jersey will continue to lead the nation in their ability, skill and knowledge of the code.

Source: William Hartz
Chief, Bureau of Technical Services ❑

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Preventing Excessive Fault Currents

When a fault occurs from one phase conductor to another, or to the grounded or neutral conductor, the potential fault known as "short circuit" can reach thousands of amperes. If this extremely high magnitude of current is not arrested, it may actually start a fire by rupturing the overcurrent device or completely destroying the conductors and equipment, thus causing potentially serious damage to life and property. The overcurrent device must, therefore, interrupt the short circuit current very quickly, and without damaging itself. It must also protect the downstream electrical components such as conductors, switches, bonding jumpers, etc., in the electrical distribution system.

The electrical subcode requires that the interrupting rating capacity of overcurrent devices be at least equal to the available fault current at the line terminals. In addition, the system must be so designed that the short circuit currents will not exceed the withstand ratings of the downstream components.

Since each electrical installation is different, selecting overcurrent devices with the proper interrupting rating is not always a simple task. To begin with, the amount of short circuit current available at the service equipment must be known. Such current depends upon the capacity rating of the utility primary supply to the building, transformer KVA and impedances, and the service conductor impedances. The magnitude of available short circuit current may rise considerably due to later replacement of transformers to lower impedance, or larger KVA ratings resulting either from on-site equipment upgrades or upgrades of the electric utility's equipment. That means the existing protective devices may be unable to safely interrupt the enhanced magnitudes of available short circuit current. Thus, it is important to have up-to-date knowledge of the value of available short circuit currents from the utility or from the impedance of the supply transformers.

A properly designed electrical distribution system must take into consideration the following variables:

a) Available short circuit current at supply terminals based on current data;

b) Contribution of feeders and equipment, such as motors, to the available fault current at various points in the system;

c) Circuit characteristics, such as length, size, conductor material, and raceway types;

d) The maximum short circuit withstand ratings of all components;

e) Short circuit let-through values of protective devices sufficient to protect the downstream components; and

f) Worst-case condition of the potential fault current.

Electrical subcode officials should ensure that these factors have been considered and that appropriate values of available fault current, interrupting rating, current limitations, etc., are furnished in the plans by the designer whenever new facilities are designed or existing facilities are upgraded or modified. This will minimize the possible destruction caused by excessive fault currents.

Source: Ashok K. Mehta
Code Assistance Unit
Bureau of Technical Services ❑

"Oops" or: The Story of Fred and Jerry, The Fuel Delivery Guys

On a day in late November, Fred and Jerry rode in their fuel delivery truck to their last stop of the day. They were in kind of a hurry because they wanted to get ready for the Houston Oilers game at Giant Stadium.

"1423 Blacksoil Road . . . this is the place," said Jerry, pulling the truck up to the curb.

"Let's hook this bad boy up and get out of here," Fred suggested.

They proceeded to hook the delivery nozzle up to the fill line.

"Boy—this tank must have been empty," said Jerry. "We've already pumped 600 gallons in."

"Did you say 600 gallons?" asked Fred.

"Yep." said Jerry.

"That's funny . . . this is only supposed to be a 275 gallon tank," replied Fred, scratching his head. "Boy, that seems strange; let's shut down and see what's going on."

As they approached the door Fred asked, "What's the number on that invoice, again?"

"1432," replied Jerry.

"Oh, sugar!" commented Fred (of course, Fred didn't really say "sugar," but this is a family newsletter).

At about the same time, Mrs. Johnson rushed out of her house, madder than a wet hen!

"What in the heck did you guys do?? You've filled my basement with oil!" (Of course, Mrs. Johnson didn't really say "what the heck," but again, this is a family newsletter.) "I converted to gas two years ago!"

Oops. The problem was that when the conversion was made, the *tank* was removed, but the *fill pipe* wasn't. (What a fuelish mistake!)

I guess by now you are wondering what two rocket scientists pumping oil into a basement have to do with the Uniform Construction Code. On behalf of Mrs. Johnson and other homeowners who have "struck oil" in their basements, this is a reminder that, when you remove a tank, you *must* make sure that the fill pipe is also removed. For more information on the proper abandonment of tanks, see Bulletin 91-4.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services ❑

Boards of Education: Fees

The Department has received advice from the Attorney General's Office that boards of education which undertake construction on buildings they use under a lease/purchase agreement are exempt from *local inspection fees*. The boards must still pay *plan review fees* if the construction planned is such that it requires a "review for educational adequacy" by the Department of Education (DOE).

This is in line with the Department's Bulletin 91-2, which explains that boards of education, in general, shall pay only plan review fees to the DOE, or to any appropriately qualified municipal agency the board selects to review its plans, when a review for educational adequacy is required.

This Department has received questions about other fees, such as those for inspections and certificates when private parties undertake work on structures which are subsequently leased by school boards. In such cases, the private parties are not eligible for any exemptions.

The statutes which control whether boards of education pay fees or what fees they pay changed in 1983, 1986, 1989, and 1990! It is not surprising that there continue to be questions.

Source: Chrystene Wyluda
Code Development Unit ❑

Pre-Sale Ordinances: Update

Though pre-sale ordinances are not part of the UCC, the Department is sometimes asked questions about them. A recent case, *Upper Deerfield Township v. Seabrook Housing Corp.*, L. Div. No. 10-90, 1/25/91; App. Div. A-3580-9075, 3/20/92, concerned an ordinance that required a seller to get a housing inspection and a certificate of occupancy prior to the sale of an abandoned structure. The lower court found the ordinance unduly restrictive because the abandoned structure was vacant, boarded up, and scheduled for demolition. The court found it unreasonable to require the structure to be habitable prior to sale, since the buyer should have the option of fixing or demolishing the structure, or otherwise using or reselling the property.

The Appeals Court agreed with the Law Division that Upper Deerfield's ordinance was flawed. It added, however, that if a municipality were to properly draft an ordinance which would not unduly restrict the sale of property, it could, under the authority of its police power, require pre-sale inspections of properties to guard the public safety and welfare of municipal residents. Buyers and sellers, however, should be able to decide whether to fix, demolish, or resell structures.

Source: Chrystene Wyluda
Code Development Unit ❑

Elevator Fees: On-site Agencies

On the subject of fee schedules for enforcement of the elevator safety subcode, please be reminded that certificate of compliance fees are to be charged *only* for work involving a permit, such as new construction. No fee may be charged for certificates of compliance issued for routine or periodic inspections.

N.J.A.C. 5:23-2.23(j) states that a certificate of compliance will be issued for a specified time period. *N.J.A.C.* 5:23-4.18(k)1.v states that fees charged for elevators by private on-site inspection and plan review agencies shall be identical to those established under 5:23-12.6(a) and (b).

5:23-12.6(a) and (b) have no provision for a certificate of compliance fee; 5:23-4.20(c)2.vii establishes the fee as $26 for a certificate of compliance for work done under a permit. Therefore, a certificate of compliance fee can be charged only for work that involves a permit.

Municipalities must mail requests, receive and record checks, and issue certificates. For this they are entitled to receive an administrative surcharge. *N.J.A.C.* 5:23-4.18(k)1.vi allows a municipality, by ordinance, to add up to a 15 percent surcharge. These administrative surcharges apply only to the subcode areas for which the municipality has a contract with a private on-site inspection and plan review agency.

The issue of routine and periodic inspections for county and municipal buildings is also clear. The Uniform Construction Code Act 52:27D-126c exempts these buildings from any fees involved in securing a construction permit. However, with the elevator subcode, as with the other subcodes, the private on-site inspection and plan review agency shall charge the municipality fees identical to those in the state mandated fee schedules. (*N.J.A.C.* 5:23-4.20 and 5:23-12.6(a) and (b) as set forth in *N.J.A.C.* 5:23-4.18). Since a construction permit is not issued, this exemption does not apply to the fees for routine and periodic inspections.

Source: Michael Wilfing
Supervisor, On-Site Inspection Agency
Bureau of Regulatory Affairs ❑

Open Letter to Construction Officials

Today is not the best of times to be in the contracting or excavation business. Caught between a slumping economy and expensive overhead (cost of equipment and insurance, to name but two factors), business survival seems to be the most common goal.

Another source of concern to those in the excavating business, other than the economy, is that today's network of underground utilities is becoming increasingly crowded. One of the newest worries to those who dig is fiber optic cable. This January, AT&T began a Contractor Awareness Program to alert those in the excavation community to the nature of fiber optic communications. One of fiber optic's strengths is also its biggest weakness—each cable carries such an enormous amount of telecommunications service that damage to a single cable can be very costly, not only in dollar figures, but in terms loss of life due to the critical nature of some of the services carried over our facilities. The main message of the program is "Call Before You Dig" in order to avoid damaging our facilities and those of other utilities.

As the contractor liaison for New Jersey, I've spoken to contractors, utilities, and municipalities. Some of the feedback I've gotten is quite interesting. One contact in particular opened my eyes to the realities of today's construction environment. I had stopped by a contractor's office, and, after initial pleasantries, began to explain the program and the need to notify the "One Call" center prior to excavation. He politely cut me short and filled me in on the "real world":

"We are all scratching for work these days, and a lot of my jobs are done for homeowners who want the work done today! If I tell them that we have to wait three days for the proper markout, the homeowner will find someone else who will start today."

A possible solution to the problem suggested itself through the concerns voiced by another contractor with whom I spoke. He said that years ago, before a permit involving excavation was issued on the local level, it was required to notify "One Call" and record the request number on the permit. He wondered out loud why that process wasn't still in effect.

Some of the construction officials with whom I have spoken already incorporate "One Call" notification in their permitting process. Unfortunately, many more do not. I believe that we have a tool at our disposal that could benefit everyone involved in the excavation process—contractors, municipalities, and utilities. A toll-free call to the "One Call" center can go a long way toward assuring the safe completion of excavation projects large and small. Mandating "One Call" notification could help protect the contractor and township from legal consequences should inadvertent damage to utilities occur. Such a mandate could help to put all contractors on an even footing regarding their legal requirements prior to excavating . . . not to mention prevent damage to underground utility facilities.

I have met and spoken with many construction officials throughout New Jersey about the aims of AT&T's Contractor Awareness Program. Each of you has been willing to assist by allowing me to stock your counters with informational literature. This is a positive step, and I deeply appreciate the help you have extended.

I would like to think that alerting folks to the negative side of not making that call could be enough to prompt them to "do the right thing"; however, I've been in the field long enough to know this is wishful thinking! I do ask that construction officials mull over my proposal to include "One Call" notification in the permitting process for jobs involving excavation. It is a step that, from my perspective, has no downside and would go a long way toward protecting everyone's interest. If you would like more information, please write to me at AT&T, 88 Horsehill Road, Cedar Knolls, NJ 07927, or call 201/644-2076.

Source: Jim Moore
Contact Representative, AT&T ❑

Conflict of Interest: Recent Changes

In the July 6, 1992 *New Jersey Register*, two changes in the Conflict of Interest provisions of the Regulations were adopted. As the Bureau of Regulatory Affairs frequently investigates allegations of conflict, it is important to outline these changes. Since most officials have access to the *New Jersey Register*, you may already be aware of the new provisions.

The Bureau frequently receives questions from officials inquiring how best to handle a project being built by a family member. The Bureau used to suggest that the official remove himself or herself from any official responsibility for the project, e.g., plan review, permit issuance, and inspections, to eliminate the appearance of impropriety. Under the Regulations, however, this official involvement was not considered to be a conflict of interest. *This situation has been changed as of July 6, 1992, and the above is no longer true.*

N.J.A.C. 5:23-4.5(j) states: "1. No person employed by an enforcing agency as a construction or subcode official or as an inspector shall carry out any inspection or enforcement procedure with respect to any property or business in which he or she, or a member of his or her immediate family has an economic interest." The regulations further require that, should a potential conflict situation arise (e.g., your son is building a house in your town), arrangements be made for enforcement with another enforcing agency or with the Department.

A second change has been added to *N.J.A.C.* 5:23-4.5(j)4. It states: "No person employed by a municipal enforcing agency as a construction official, subcode official, or inspector shall be employed to appear before any construction board of appeals, or be involved in any court proceeding within the State, as a paid expert witness, or in any other compensated capacity in any proceeding involving the enforcement of the Uniform Construction Code except on behalf of another enforcing agency, or as a court appointed witness."

As a side note, those of you appointed as fire officials and fire inspectors should check with the Bureau of Fire Safety regarding similar requirements. If you believe you may presently be in violation of the Conflict of Interest provisions, please contact the Bureau of Regulatory Affairs at 609/530-8838 for guidance.

Source: Gerald Grayce
Bureau of Regulatory Affairs ❑

Elevators in Public Buildings

Can a town charge a fee for inspecting elevators in schools or other public buildings? Many construction officials are under the incorrect impression that a town may not charge any fee for making elevator inspections in public buildings, as they are exempt under the law from all fees.

N.J.S. 52:27D-126c provides that: "No county, municipality, or any agency or instrumentality thereof shall be required to pay any municipal fee or charge in order to secure a construction permit for the erection or alteration of any public building or part thereof from the municipality wherein the building may be located."

The exemption is *only* from payment of permit fees. As no permit is required for making routine or periodic elevator inspections, there is no exemption for public buildings from payment of routine elevator inspection fees. The town, therefore, *may* charge a fee for making periodic/routine elevator inspections. If a permit is required to replace or repair an elevator in a school or other public building, on the other hand, the municipality *may not* charge any fees, including any surcharge or state training fees, for issuing a permit.

A municipality may choose to contract out Elevator Subcode

esponsibilities to an onsite inspection agency. Regardless of whether or not the municipality has collected any fees for issuing a construction permit for the erection, alteration, repair, or replacement of an elevator in a public building, an onsite inspection agency must be paid proper fees as set forth under *N.J.A.C.* 5:23-4.20 (6) and 5:23-12 (6).

Finally, under *N.J.A.C.* 5:23-4.20 (3)vii, municipalities are allowed to charge a fee of $26.00 for a certificate of compliance *only* if issued under a construction permit. There is no charge for a certificate of compliance required to be issued after each routine and periodic inspection of elevators (*N.J.A.C.* 5:23-2.23(j)).

Source: Bureau of Regulatory Affairs ❑

Revised Report Forms

Effective August 1,1992, Uniform Construction Code Municipal Monthly Activity Reports (permits and certificates), *must* be submitted on revised forms 812B and 811B. The computer system no longer accepts manual entry of the old form. Missing reports must also be sent in using the revised forms. After August 1, any reports received on the old report form will be returned.

Those towns using modems to send in data should now be using System I (2.20) or System II (4.21). If you are using an alternate program, you must submit all data in a form similar to the new Uniform Construction Code Municipal Monthly Activity Reports 812B (permits) and 811B (certificates).

All reports are still due by the tenth working day of the month. Any late reports may subject the construction official to fines of $25 per report. We apologize for any inconvenience that this may cause you, but this is a necessary step in the process of updating our reporting system.

Source: Larry Wolford
Research Analyst, Bureau of Regulatory Affairs ❑

Using UCCARS

Since the new version of UCCARS has been up and running, we have kept track of the kinds of problems and concerns that you have been calling about on the support line. Based on your initial experiences with the new version, here are some tips that cover some of the more commonly encountered problems.

1. When you first begin the inspection module, don't forget to tell UCCARS who your inspectors are, what subcodes they are authorized to inspect, and when their licenses expire.

2. If you have problems storing new inspection requests and/or inspection results, check your inspector data screens to make sure that the inspectors' licenses have not expired, and that you are using the right inspector for the right subcode.

3. Remember that for "New Building" or "Addition" you must now enter *total area in square feet* as well as volume in cubic feet. Also, for the first time there are two situations in which zeroes are accepted by UCCARS for these entries: Industrialized Buildings and Permit Updates. In all other situations you must enter non-zero numbers into these fields.

4. Census item numbers are now mandatory—you must enter a valid census number into UCCARS for each and every permit. You should be using the Bureau of the Census' *Information Booklet C-404(B)* as your guide in determining what number applies in each specific situation. For types of work that the Census Bureau considers "Out of Scope," enter the number "999" into the census field in UCCARS.

5. Pressing the "Print Screen" button on your keyboard causes an image of the data on your screen to be copied to your printer. This is a quick way to get a printout of plan review data with all relevant dates each time you update the screen. Inserting this printout into the project folder gives all your people access to the latest plan review status of all current projects.

Source: Stan Kosciuk
President, Municipal Information Systems, Inc. ❑

UCCARS Notice

If you are presently using UCCARS for scheduling inspections, we have an upgraded inspection module for you. Just let us know who you are by sending a note to **MIS, 1170 Wychwood Road, Mountainside, NJ 07092**, or use our new FAX number: 908/889-6666.

New Jersey Register Adoptions

Date	Adoption
6/15/92	24 *NJR* 2243(a) Administration and Enforcement Process; Special Inspections. Adopted Amendments: *N.J.A.C.* 5:23-1.4, 2.15, 2.18, 2.20, and 3.14, effective 6/15/92. 24 *NJR* 2244(a) Municipal Enforcement Agencies—Establishment. Adopted Amendment: *N.J.A.C.* 5:23-4.3, effective 6/15/92.
7/6/92	24 *NJR* 2422(a) Fire Code Administration; Uniform Construction Code, Conflict of Interest. Adopted Amendments: *N.J.A.C.* 5:18A-2.9 and 4.6; 5:23-4.5, 4.11, and 4.14, effective 7/6/92. 24 *NJR* 2424(a) Subcodes; Enforcing Agencies, Duties, Powers, Procedures; Licensing. Adopted Amendments; *N.J.A.C.* 5:23-5. Adopted Recodification with Amendments: *N.J.A.C.* 5:23-3.10 as 5:23-4.3A, effective 7/6/92.
7/20/92	24 *NJR* 2557(a) Licensing of Interns. Adopted Amendment: *N.J.A.C.* 5:23-5.4, effective 7/20/92.
8/3/92	24 *NJR* 2712(b) Standards for Municipal Fees, Departmental Fees; Plumbing Fixtures and Equipment. Adopted Amendments: *N.J.A.C.* 5:23-4.18 and 4.20, effective 8/3/92.

Source: E. Maria Roth
Code Assistance Unit ❑

What Does a TACO Mean to You?

If you answered "Mexican food," you have not worked in a construction office! The Technical Assistant to the Construction Official (TACO), also known as "control person," is at the heart of the construction office. Becoming an effective control person requires skills in a variety of areas. In addition to gaining experience in processing permits and participating in seminars on the UCCARS system, some people even take Building R.C.S. and Construction Official courses at the county colleges.

The TACO's wide range of responsibilities includes answering phones, recording inspections, assisting the public, ordering supplies, managing the budget, and maintaining municipal reports. This last activity requires using the UCCARS computer system to report to governmental agencies and track permits, plans, and certificates of occupancy that come through the office. The control person handles construction permits throughout plan review, permitting, inspection, and monthly reporting; upon completion of this process, she or he then carefully files permits and plans to make them accessible to other muncipal offices or the public.

Then, during that "slow time" they say all construction offices have, the TACO has one or two other things to do. There is correspondence to be read and answered, licenses to be sent out to contractors in municipalities having local licensing, inspector's reports for certificates of occupancy and approval to be compiled, other clerical staff to be trained, information to be gathered for various offices, and so on. TACOs also set the inspectors' daily schedules, so they must know what is involved in an inspection an how many can be scheduled on a given day. Otherwise, they risk a situation that looks like a bullfight when the inspectors receive their daily inspection sheets . . . I am still waiting for the slow time in our office; I think perhaps I may have missed it when I went to lunch one day.

It's not easy to juggle the activities generated by a busy construction office, particularly when one must make difficult or unpopular decisions regarding plans, inspection schedules, or the permitting process, for example. And when one deals with the variety of people that use the construction office, one is bound to encounter some interesting personalities that keep the job from getting dull!

In all aspects of the job, the TACO needs the support and assistance of the construction official, subcode officials, inspectors, and other staff members so that the job is accomplished in the most efficient and professional manner possible. Since TACOs have limited contact with one another, unlike the licensed officials, we would like to consider creating an association for TACOs to provide a forum to discuss their positions with others who work in the same title. With everyone's input and help, maybe this can be accomplished. In the meantime, please remember that not all TACOs are found in Mexican restaurants!

Source: Diane J. Runowicz
TACO, Lawrence Township ❑

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State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Stephanie R. Bush, Commissioner

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Gerard Garofalow Elected BOCA President

On September 22, 1992, at the 77th Annual BOCA Conference in St. Paul, Minnesota, Gerard Garofalow was elected President of Building Officials and Code Administrators International. His term of office will be 1992–1993.

Mr. Garofalow, Construction Official of Ridgefield Park, follows two previous New Jersey officials who have served as BOCA President—Wilbur Lind, former Construction Official from the City of Hackensack, and Charles Decker, Assistant Director for the Construction Code Element, DCA. Both had successful terms.

The Department congratulates Mr. Garofalow on this outstanding accomplishment and wishes him a successful presidency.

1993 BOCA Conference

In September 1993, the 78th Annual BOCA Conference will be held in Atlantic City, New Jersey. I asked Terry Leppellere, Manager of Training Services at BOCA, to provide preliminary information on the training at the conference. The following article will give you a brief overview plus an estimated cost for registration.

The Education Unit is working with BOCA to ensure that the seminars and training offered at the conference are approved for continuing education credit toward renewal of your New Jersey code enforcement license.

Source: William Hartz
Chief, Bureau of Technical Services ❑

1993 BOCA Conference to be Held in Atlantic City

While the 1992 BOCA Annual Conference is still a recent memory, plans are well underway for the 1993 conference in Atlantic City, New Jersey. The 78th Annual Conference is scheduled to be held at Trump Castle during the week of September 19th.

Veterans of BOCA conferences will see no changes to the week-long activities, with one exception: the Board of Directors' moratorium on code changes for 1993 will allow more time for training activities throughout the week. Otherwise, the various business of the organization will continue as in other years.

Tentatively, additional training offerings will be used to fill the time on Monday afternoon, September 20, all day Tuesday and Wednesday, and Thursday morning. While specific subjects have yet to be determined, an outline of the program looks like this:

Monday, September 20

AM:	Opening Session	9:00–10:30
PM:	Business Meeting	1:30–4:00
	Crackerbarrel	4:00–5:30

Tuesday, September 21

AM: General Training Session
PM: Four to six concurrent training seminars presented by BOCA staff or other technical experts.

Wednesday, September 22

Four to six concurrent day-long seminars presented by persons or organizations selected by the BOCA Training Services Committee on the basis of proposals received. (*Note:* A request for proposals will be distrib-

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uted to interested parties in January 1993. Persons interested in submitting a proposal may be included on the mailing list for RFPs by submitting a letter of interest to Terrence Leppellere at BOCA Headquarters).

Thursday, September 23

Concurrent seminars from Tuesday afternoon repeated.

Considering the large BOCA constituency in New Jersey, we anticipate that many will want to attend this unique training opportunity. Many may want to do so without incurring the expense of the other conference activities. For this reason, there will be a special registration fee for those wishing to attend the training activities only. Members wishing to participate should budget in the $150 to $200 range for the training activities; this fee would include all materials and one luncheon on Monday.

Source: Terrence A. Leppellere, P.E.
Manager, Training Services
BOCA International ❑

Anti-Scald Valves

Recently there has been an increased concern over scald protection. Based on the code changes that appeared in the 1992 Supplement of the *National Standard Plumbing Code*, inspectors will see more and more anti-scald valves being installed. Though the 1992 Supplement may not be adopted, changes will appear in the 1993 code to mandate either installing an anti-scald valve or sizing the water distribution system for a demand flow of 4 ft./second.

Anti-scald devices come in three types: pressure balance, thermostatic, or combination thermostatic pressure balance. While these devices all have the same goal—to supply shower water at a relatively constant temperature despite fluctuations in supply line pressure—the way they solve the problem is somewhat different.

We will focus on the two most popular valve types. A pressure balancing valve relies on a balancing piston to partially or totally block off ports that supply water to the showerhead (see figure 1).

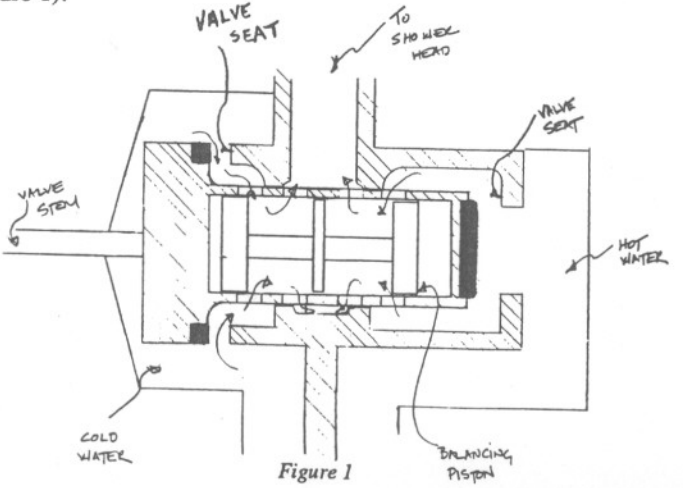


Figure 1

If you look at the balancing piston, you will see that an increased pressure on one side of the piston—for instance, on the HOT side—will tend to move the piston in the direction of the COLD side. This blocks off the ports supplying the hot water, equalizing the flow of hot and cold water and maintaining the temperature of the water to the showerhead. (See figure 2).

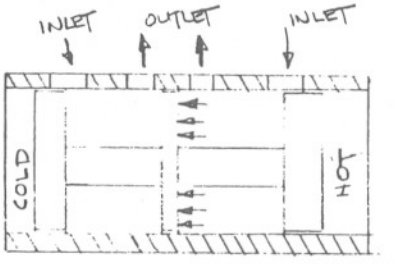


Figure 2

Thermostatic valves also work on the principle of ports, but, rather than relying on pressure to move a piston, they rely on either a bellows or a metallic sensing coil to move the piston and adjust the flow at the inlet ports.

The bellows or sensing coil is subject to the temperature of the water at the outlet of the valve. As the temperature of the water increases, the bellows or coil expands. As the coil or bellows expands, it moves the piston, partially blocking the HOT water supply to the showerhead, thereby maintaining the temperature.

Remember, the present code (1990 *NSPC* with the 1991 Supplement) does not require scald protection in single-family dwellings. When this protection does become a requirement (under the 1992 *NSPC*), the alternative of sizing the supply piping at 4 ft./second will be allowed. (Sizing water supplies at 4 ft./second will be a topic in a future newsletter.)

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services ❑

Fire Protection Inspector RCS License Will Become Invalid

Several months ago I sent individual letters to all those serving as a municipal Fire Protection RCS, Subcode Official, to remind them that this technical license will *not be valid* after July 31, 1993. This article should remind all others who hold the license, and who perform occasional fire protection inspections, that this license will soon expire.

On June 17, 1991, regulations were adopted allowing a two-year phase-out of the Fire Protection RCS license. If you hold this license and you are interested in upgrading to Fire Protection ICS, you must do the following:

1. Document any additional experience that may be required.
2. Complete the Fire Protection Inspector ICS course. The

community college schedule for Spring 1993 is not yet available, but please check with your local college to see when the course will be offered (see page 8 of this newsletter for a list of colleges, coordinators, and phone numbers).

3. Successfully complete two National Certification Tests—Fire Protection General (3B) and Mechanical One and Two Family (4A). If you have not already registered for the November examination, the next test administration will be April 24, 1993, with a registration deadline of March 17, 1993. To receive a registration application, please call Educational Testing Service at 609/921-9000.

If you need any further assistance, please contact the licensing unit at 609/530-8803.

Source: William Hartz
Chief, Bureau of Technical Services ❑

Municipal Elevator Fees

It has come to our attention that certain municipalities are not following the standards for municipal elevator fees provided in the Uniform Construction Code. This practice leads to inaccurate construction permit fees.

Please note that *N.J.A.C.* 5:23-4.18 stipulates the standards for municipal fees:

1. The fee for a permit to install an elevator device shall be a flat fee. The fee may vary for different types of inspections, tests, and elevator devices.
2. The categories of municipal elevator fees shall be identical to the categories of elevator fees listed at *N.J.A.C.* 5:23-12.6(a) and (b).
3. Where the local enforcing agency uses the services of a private on-site inspection and plan review agency to enforce one or more subcodes, then the fees charged to the municipality by the private on-site agency shall be identical to those charged by the Department pursuant to *N.J.A.C.* 5:23-4.20.
4. Elevator safety subcode: Fees charged to the municipality when a private on-site agency performs inspections and witnesses tests shall be identical to the fees established by the Department at *N.J.A.C.* 5:23-12.6 (a) and (b).

Any questions regarding the above, or other questions relating to the elevator subcode, may be directed to the Elevator Safety Unit at 609/530-8833.

Source: Paul Sachdeva, P.E.
Manager, Elevator Safety Unit
Bureau of Code Services ❑

Barrier Free Advocates

With the passage of the Americans with Disabilities Act (ADA), we have been asked many times whether Barrier Free Advocates would be effective ADA evaluators in a municipality. Therefore, we would like to stress that Barrier Free Advocates are trained *only* to explain the requirements of the Barrier Free Subcode (BFSC) in a hearing on an access issue before the Construction Board of Appeals.

Although there may be individuals who are Barrier Free Advocates who would be contributing participants in an ADA task force, their Barrier Free Advocate training is not their defining qualification. Barrier Free Advocacy training has one purpose only—to qualify the advocate to testify on an access issue at a Construction Board of Appeals hearing.

In addition, the Barrier Free Advocate testifies as a public service. The Barrier Free Advocate may not advertise and may not be paid for this service. The training is provided at no charge; the service must be provided at no charge. The completion of the training must not be advertised as a business qualification. Therefore, such designations as "Barrier Free Advocate" or "Certified New Jersey Barrier Free Advocate" must not appear on business cards. Remember, this is a public service, and may not be used to enhance or attract private business.

Lastly, it is important to recognize that the ADA is federal civil rights law which includes building regulations. The BFSC is Subchapter 7 of the *New Jersey Uniform Construction Code*. Although the technical requirements of the federal law and the state code are based on the same technical standard, American National Standards Institute (ANSI) 117.1, and, therefore, have many of the same technical requirements, the federal regulations are not a code and cannot be enforced as if they were a code. Construction officials have no authority to enforce federal law or federal regulations. Construction officials have authority to enforce state codes. Therefore, the accessibility provisions that will be enforced in New Jersey are those of the BFSC. The Department of Community Affairs intends to adopt technical provisions that match those of the ADA regulations. At that point, the technical building code provisions of the BFSC and the ADA regulations will match. Construction officials will continue to enforce state law and the enforcement of the state law will provide compliance with the federal regulations. The federal regulations, however, will continue to be enforced by civil law suit.

When the technical code provisions of the BFSC are revised, the Barrier Free Advocate program will be reviewed.

Source: Emily Templeton
Code Development Unit ❑

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Center for Government Services at Rutgers, The State University. Editor: Hilary Bruce. Address changes, subscription requests, comments, and suggestions may be directed to the DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.

Barrier Free Parking: Enforcement

In November 1989, the Handicapped Parking Act was signed into law. It provides that the fine for violating the restrictions on a barrier free parking space be $100 for a first offense and $100 plus 90 days community service for a subsequent offense. The fine applies to all "appropriately marked" barrier free parking spaces, whether they are on public or private property. Appropriately marked spaces are those with two signs: one with the international symbol of accessibility and the other with the penalty clearly stated. The Department of Transportation (DOT) designed a penalty sign and the Barrier Free Subcode was amended in 1990 to reflect the new requirement.

Then, we began to hear that there were problems with enforcement. Tickets issued for violation of the restrictions on the parking space were being overturned in some municipal courts. Upon investigation, we learned that the citation included on the ticket referenced the section of the DOT statute that addresses parking restrictions. Because DOT requires registration of all barrier free spaces constructed in compliance with its statute, and because the spaces constructed under the BFSC were not registered with DOT, the tickets were being judged invalid.

We sought an opinion from the Attorney General on whether the restrictions on the parking spaces constructed in compliance with the BFSC were enforceable. The Attorney General responded by issuing a directive to all county prosecutors to inform all involved with municipal parking enforcement that the restrictions on the spaces constructed in compliance with the BFSC were as enforceable as the restrictions on parking spaces constructed in compliance with DOT requirements. This should resolve the issue.

Now, all barrier free parking spaces constructed before June 1, 1990 that had a sign with an international symbol must have been modified (by June 1, 1991) to include a sign stating the penalties for violating that restriction. All barrier free parking spaces constructed after June 1, 1990 must be marked with both the international symbol of accessibility and the penalty sign. The penalty for violating the restrictions on the parking space will be upheld in court.

Source: Emily Templeton
Code Development Unit ❑

Barrier Free Subcode: Indoor Recreation Facilities

The recreation section of the Barrier Free Subcode (BFSC), *N.J.A.C.* 5:23-7.1-7.116, applies to outdoor recreation, with the noted exception of swimming pools, which may be indoor or outdoor, and indoor court games. Over the past year, we have received repeated inquiries about whether miniature golf course are required to be accessible. Upon review of the BFSC, and after applying the look-for-the-closest-application principle, we decided that, if the course is outdoors, it must comply insofar as golf courses must comply; that means that access must be provided to the first tee. If the course is indoors, however, the applicable requirement in the building portion of the BFSC must be applied. Is there a ramp? It must be 1:12. Are there stairs? They must meet the nosings requirements and have risers no higher than 7 inches.

Now there comes a new question. What about the indoor recreation centers that are becoming popular? Must those facilities comply with the BFSC? Must each activity in the center comply with the BFSC? The answer clearly is *yes*. The sections of the BFSC that must be applied to determine what building features must comply are:

- Is it a large building (10,000 square feet or greater)? (*N.J.A.C.* 5:23-7.2(a)1)
- Is it a small building (under 10,000 square feet)? (*N.J.A.C.* 5:23-7.2(a)2)
- Does the 25/50 rule apply?

Specific features or areas in a building may be exempt because, for example, the facility is a small, two-story building and does not require an elevator. But, remember, the BFSC first states that "This subchapter shall be interpreted to mandate access for the physically handicapped and aged whether they be in the status of occupant, employee, student, spectator, participant, or visitor." Specific exemptions follow that general premise.

So, assume that access must be provided. Then evaluate to determine to what degree it is required.

Source: Emily Templeton
Code Development Unit ❑

Uniform Forms

Everyone associated with the Uniform Construction Code knows we are required to use standardized forms. These forms must conform in content, size, format, and color (except that all multi-part forms may be printed with an additional copy in a color distinct from the others).

Through a series of seminars known as "UCC Office Management," we became aware that many construction officials and control persons have been taking poetic license in producing forms to meet specific needs of the municipality. *No deviation from the required copy is permitted.* Requests for exceptions to this rule, established by the Commissioner, must be made in writing and must detail the requirements from which an exception is sought, plus the reasons for and the duration of the exception. Requests should be accompanied by any appropriate documentation and/or examples.

Keep in mind that you may use nonstandard forms for your own internal processing and recordkeeping, but these forms have no bearing on the administration and enforcement of the UCC.

To request the express written authorization for an exception to any of the required forms, logs, or reports, please write to: DCA, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816.

Source: Susan McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❑

Homeowners Doing Their Own Electrical and Plumbing Work

Recently, I have received several letters concerning homeowners doing their own electrical or plumbing work. The point of all letters was the same—either the homeowner wasn't qualified, or someone else was really doing the work.

What can you do when the homeowner wants to do his or her own work? (This article addresses only plumbing and electrical work being done in an owner-occupied, single-family residence.) You have the regulations available to deny a permit to a homeowner you believe to be unqualified.

- The application jacket, form F100B, has a Certification in Lieu of Oath. You are within your rights to request plans for the work to be performed. If the homeowner states that he or she personally prepared the plans, be sure that "B" in the Certification is checked.
- If the homeowner states that he or she is going to do the work, either "C3" or "C4" should be checked. Please note that this indicates that the homeowner will actually *perform* the electrical or plumbing work—not just supervise as allowed for building and fire protection.
- Be sure the homeowner signs and dates the certification and is aware of *N.J.A.C.* 5:23-2.31(b)iv, which allows a penalty of not more than $500 for making a false or misleading written statement.
- Finally, *N.J.A.C.* 5:23-2.15(e)1vii gives you the authority to reject all plans that are not legible or complete for the purposes of ensuring compliance with the regulations.

Code officials have told me that they sometimes help homeowners with their plumbing and electrical plans. That is not your job and it can get you into serious trouble. There are reasons we have licensed plumbing and electrical contractors. (This could very well be a life safety issue.)

You have the tools available to protect the homeowner and to be sure you have code compliance. Use them!

Source: William Hartz
Chief, Bureau of Technical Services ❑

Penalty Enforcement Proceedings

Municipal construction officials often run into difficulties attempting to collect penalties after the issuance of a notice of violation. Once the time period for appeal has passed, the official should refer the matter to the municipal attorney for penalty enforcement. All too often, here is where the trouble arises—both municipal attorneys and municipal judges are unfamiliar with the oper procedures and fail to follow the requirements outlined in e Penalty Enforcement Act.

The Penalty Enforcement Act (*N.J.S.A.* 2A:58-1) authorizes summary proceedings to collect any penalty imposed by any statute which authorizes such a method of collection. The Uniform Construction Code Act authorized penalties imposed under it to be collected pursuant to the Penalty Enforcement Act (*N.J.S.A.* 52:27D-138d). The penalties may be collected in either superior court or municipal court in a nonjury proceeding.

In a summary proceeding under the Penalty Enforcement Act, a municipal court has no jurisdiction to conduct fact-finding hearings concerning the validity of the penalties *per se* (refer to *State of New Jersey, Department of Community Affairs v. Werthiemer,* 177 N.J. Super. 595; App. Div. 1980) The only issues in a penalty enforcement proceeding are whether the construction official has the authority to impose the fines and whether the fines are reducible to judgment under the Penalty Enforcement Act. The factual basis for the penalties may be challenged only by way of administrative appeal, an appeal to the Construction Board of Appeals. An applicant who has already had the opportunity to appeal the penalty before the Board cannot appeal the merits of the penalty in a penalty enforcement proceeding.

These procedures should be stressed to your municipal attorney, who should bring them to the attention of your municipal court judge (the case of *Abuhouran v. Manwarren* A-3880-88T3; App. Div. 1991 spells out these procedures). In this way, judges will conduct proper penalty enforcement proceedings and not conduct a full-fledged review of the basis for the construction official's action, a review which is proper only when held before a construction board of appeals.

Source: Robert Hilzer
Regulatory Officer, Bureau of Regulatory Affairs ❑

Asbestos Removals—Drawings Required!

The Department would like to remind construction officials that *N.J.A.C.* 5:23-2.16(e) and Subchapter 8 require that drawings be submitted in order to obtain an asbestos abatement permit.

We have recently become aware that construction officials do not always require drawings for abatement in buildings which will not be occupied during the job. It may seem unnecessary to require drawings for a small job in a comparatively simple building, but if no drawings are submitted for the permit, there will probably be none at the site. If a state inspector inspects an asbestos removal, the Asbestos Safety Technician (AST) and/or the Asbestos Safety Control Monitor (ASCM) firm may be charged with violating the code if no drawings are on site. Worse, the state inspector could have difficulty properly inspecting a job site if no drawings are available. The inspector should know the scope of the planned removal and the location of asbestos in the building.

Drawings for asbestos abatement in unoccupied buildings need not be as detailed as those for construction. Even a rough sketch may be adequate if it shows general dimensions, egress, and the location of asbestos with reference to intended abatement methods and other information required in *N.J.A.C.* 5:23-8.7(b)2iv.

Source: Chrys Wyluda
Supervisor, Asbestos Abatement Unit ❑

Do Research Reports Equal Approvals?

It sure would be convenient if they did. But the Uniform Construction Code gives only the subcode official, not the publisher of research reports, the power to approve materials and methods if they are not in conformance with, but not specifically prohibited by, the regulations. And there's a reason! Only the person charged with approving plans and specifications prior to issuance of a construction permit can judge if newly introduced construction components will perform in a suitable and safe manner when used as specified within a particular project. The use of research reports in code enforcement is really limited to informing the plan reviewer sufficiently to make such judgments—one project at a time.

Obviously, a producer of new construction components hopes for the greatest possible market, and, therefore, would approach this subject from the opposite direction, claiming or implying a multitude of uses. Fortunately, a device called "acceptance criteria" narrows, orders, and screens the material going into a report, focusing on features each evaluation service requires for a specific performance category, such as "foam plastic" or "residential chimney liners." Besides these important but general and descriptive items, every type of report contains the essence of its usefulness in code enforcement, namely the section(s) of BOCA or CABO with which compliance is claimed. Codes adopted in other regions are cited in some reports, at times together with similar BOCA or CABO sections, in order to recommend a product's acceptability in other regions. This is your chance to be a sleuth and aim for absolute precision when it comes to compliance with OUR codes only. However, no one can make a complete and correct decision who has not read every single portion of the report—particularly the common section, "limitations on use."

The purpose of the research report is to provide guidance on the use of materials that, on the face of it, do not meet code requirements. The "limitations on use" section, then, is extremely important because it tells the reader what use may be made of the material and still meet the intent of the code. The opinion expressed in the research reports is that of the Committee formed to evaluate the material in question. In New Jersey, it is clear that construction officials may accept the research reports as evidence that the material is compliant; however, construction officials are not required to accept either the research report or the material. Acceptance of insufficient reports is never required. Approval should be based only on a report that has convinced you.

Some frequently used evaluation services are BOCA Evaluation Service, Southern Building Code International, and National Evaluation Service (a joint effort among all three model codes). All bear an individual number usually indicative of the year of origin and sequence within that year. And all have an expiration date. An expired report doesn't prove code compliance or anything else! Report sponsors must renew reports at every expiration date by following the requirements of each particular evaluation service. Current reports are always on an active list with the publisher where the public can inquire and code officials must inquire, unless they receive the printed listings. When material is substantiall changed in a report, the publisher assigns a fresh number to such revisions. Otherwise, the old number remains, sometimes with a small new printing date in the title. Some reports contain a particularly desirable feature: drawings. We all know one of those is worth a thousand words.

In defense of all this extra work that new building materials sometimes cause, I'll refer to one of the purposes of the UCC Act: to permit modern devices, improvements, and new materials and methods. Ah, the price of progress.

Speaking of work, here's some recommended reading: *N.J.S.* 52:27D-120, Purpose, and *N.J.A.C.* 5:23-3.7, Municipal Approvals of Nonconforming Materials.

Source: E. Maria Roth
Code Assistance Unit ❑

New Jersey Register Adoptions

Date	Adoption
9/8/92	24 *NJR* 3176(b) Notice of Permit Extensions
10/5/92	24 *NJR* 3515(b) Methods, Devices and Systems for Indirect Apportionment of Heating Costs in Multiple Dwellings; Approval of Nonconforming Materials; Departmental Fees. Adopted Amendments: *N.J.A.C.* 5:23-3.7, 3.8 and 4.20, effective 10/5/92.
	24 *NJR* 3521(a) Tent Permits. Adopted Amendment: 5:23-3.4, effective 10/5/92.
	24 *NJR* 3521(b) Fees, Reports, Adopted Amendments: *N.J.A.C.* 5:23-4.5, 4.19, 4.20, 4.21, 4.22, 4A.12, 5.21, 5.22, 8.6, 8.10, 8.18, 8.19, 12.5, 12.6, effective 10/5/92.
	24 *NJR* 3525(a) Licensing Subcode Official Requirements. Adopted Amendment: *N.J.A.C.* 5:23-5.7, effective 10/5/92.
	24 *NJR* 3525(b) Licensing Elevator Inspector HHS Requirements. Adopted Amendment: *N.J.A.C.* 5:23-5.19, effective 10/5/92.

Source: E. Maria Roth
Code Assistance Unit ❑

ATTENTION LICENSEES!!!

Because transcript information is so readily available on our computer system, we no longer mail transcripts on a regular basis. As a result, several inspectors have requested a form for keeping track of their own earned CEUs, and we now provide this form on the opposite page.

Record of Continuing Education Units Earned

NAME: _____

LICENSE NO: _____ **EXPIRATION DATE:** _____

LICENSES HELD: _____ _____

_____ _____

_____ _____

Continuing Education Units required for license renewal (per two-year licensing period):

- 1.0 Technical CEU required for *each* technical license
- 0.5 Administrative CEU required for Subcode Official licenses (regardless of how many of these you hold) *plus* an additional 0.5 Administrative CEU if you hold the Construction Official license.

SEMINARS COMPLETED

	COURSE #	COURSE TITLE	DATE TAKEN	CEU EARNED (.5 or 1.0)	TECHNICAL OR ADMINISTRATIVE
1.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

- We suggest that you keep this form in a loose-leaf binder together with the certificates you receive upon completion of seminars. Please photocopy this form if you need more space.
- If you have questions about your current status, call the Education Unit at 609/530-8798 or refer to an old transcript.
- To obtain an official transcript from Rutgers University, please send a written request to: Registrar, Division of Summer Session and Continuing Studies, Rutgers University, 119 College Avenue, New Brunswick, NJ 08903. Your letter must include a check for $10 (payable to Rutgers University), your Social Security number (for identification purposes only), UCC license number, and the semester(s) and year(s) for which you want information (for example: Spring 1987-Fall 1991).

Please note that transcript records are maintained for only 10 years.

Community College Course Coordinators

James Foran
Atlantic Community College
Black Horse Pike
Mays Landing, NJ 08330
609/343-5114

Dolores Elem
Bergen Community College
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Paramus, NJ 0765
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609/468-5000, Ext. 254

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RUTGERS

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Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

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Spring 1991

ASSOCIATES DEGREE IN CODE ENFORCEMENT: A REALITY!

On January 25, 1991, the Department of Higher Education approved an Associates Degree in Applied Science in Construction Code Enforcement. For now, this program is approved at Atlantic Community College only.

The Program

As planned, the 64-credit AAS degree program will consist of 30 credits of general education (covering such areas as English composition, the humanities and social sciences, a boratory science, computer science, and electives) and 34 credits in the major. Courses in the major include algebra; a two-course structural design sequence; a course covering legal principles of the New Jersey Uniform Construction Code; an introductory course in construction code enforcement; two two-course sequences in residential and non-residential construction code theory and principles; a construction code administration course; and a program elective course covering either logic or state and local government. A cooperative education course will provide students with practical experience through supervised code enforcement work.

Thank You

Since 1981, there have been many people involved in this program who came through at critical times to keep the program alive. First, we must thank Commissioner Primas for his leadership and dedication to the program; also Ellis Vieser and the New Jersey Alliance for Action for helping to keep our program going when many thought it would not be approved; the New Jersey Building Officials Association for its continued support; Atlantic Community College for its commitment to the education of code officials; and finally, William Connolly for his foresight in seeing the value of this program more than a decade ago.

Source: William Hartz
Chief, Bureau of Technical Services ❑

AAS DEGREE IN CODE ENFORCEMENT: INFORMATION

Many people have already contacted Atlantic Community College for information concerning the newly approved degree program. If you would like more information, please call James Foran, the program coordinator, at 609/343-4984. Office hours are Monday and Wednesday from 5:00 to 5:30pm, and Thursday from 5:00 to 6:00pm. If you are unable to call at that time, you may call the same number and leave your name and a day and evening phone number, and Mr. Foran will contact you. ❑

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PUBLIC NOTICE

Take note that the 1991 supplements to the BOCA National Building Code/1990 and the BOCA National Mechanical Code/1990 are now available. The effective date for the use of these model codes in New Jersey is hereby set at March 4, 1991, pursuant to the State Uniform Construction Code Act (NJSA 52:27D-123 b.), which provides that "the initial adoption of a model code or standard as a subcode shall constitute adoption of any subsequent revisions or amendments thereto." Proposed amendments containing all necessary technical and editorial changes will be published in the *New Jersey Register*.

Source: William Connolly
Director, Division of Codes and Standards ❑

CRUNCHING NUMBERS

Are there overburdened construction officials and control persons out there? In addition to the normal business of plan review, permits, and inspections, do you conscientiously fill out statistical reports every month? And send them to the DCA? And then, do they seem to disappear into the proverbial black hole?

We're looking at them, ladies and gentlemen. The first purpose of this article is to let you know what happens to your monthly reports. The cumulative mass of data that comes in is enormous, as you might guess. If you send in paper reports, we input all the information onto personal computers here at Regulatory Affairs. Before the information from your reports is typed into a computer, we look it over. If there are obvious problems with the reports, we put them in an envelope and send them back to you. Only you know what the correct information is, and we're trying to keep the data going into the system as "clean" as possible. You might have gotten one of our form letters back with a check-off noted for "incomplete report," "report not separated into proper use groups," or some other common error.

Once we input the corrected information, we plug our modem into a telephone line and send it from Regulatory Affairs out to a State mainframe. Those of you who have the luxury of UCCARS capability do not have to send paper reports (except where a given month reflects "zero activity" - see Larry Wolford's article, "Zeros," on page 8), but can simply tell the system to send the information to us over your modem. We then back it up onto the State mainframe, where it joins with the information from the paper forms. We are now able to reach over to the mainframe, make the system sort the data, and give us back some reports.

As with anything new, the process is a slow one. We discover small glitches as we go. For example, until we learned to tell the system exactly what we wanted, it was merging the information for all towns with duplicate names. (Washington and Franklin townships, you wouldn't believe the business you did last year!) That problem was quickly resolved, but it caused some frustrating moments.

Another experiment was a random spot comparison between two different systems' information (some bravery was required for this). We compared the same information - volume of new construction - between the monthly reports and the quarterly State Training Fee reports. During that exercise, we discovered a few towns on UCCARS that may have faulty municipal codes in their computers, and we're working on correcting that problem.

At the same time as we experience the adventure of pulling meaningful information out of a complex data processing system, we must also ensure the completeness of the information going in. The old computer maxim of "garbage in, garbage out" clearly applies here.

Since Regulatory Affairs is Regulatory Affairs, I'm afraid the first report we needed to obtain was a delinquency report. And so to the second purpose of this article. That is, to advise readers that there are still a few construction officials in New Jersey who are not making sure the needed information gets here, by whatever means, mail or modem. The new delinquency report gives Regulatory Affairs a calendar year, monthly report picture. For each municipality, it shows both reports for each month, and indicates whether or not they were sent in. As I write this in February, we are awaiting production of the full delinquency report for calendar 1990. Regulatory Affairs will shortly be sending out letters to notify you of missing reports.

It will come as no surprise to you, of course, that no system is foolproof. It is within the realm of possibility that you will get a delinquency letter when you know you sent in the reports. Should this happen, my suggestion is that a patient resubmittal of the data, with a note containing comments of your choice, may be more productive (if less satisfying for the short run) than an irate phone call.

It is an unavoidable fact of life that every administrative job has paperwork associated with it. Right along with documentation of inspections, the UCC requires submission of the monthly reports.

As you know, construction activity is a key indicator used in evaluating the state of the economy. The information from the monthly reports is used directly for this purpose, among others. Regulatory Affairs is charged with the responsibility of gathering the information, and holds the construction official responsible for ensuring its arrival here. Fines will be imposed for noncompliance, so please - send out those monthly reports.

Source: Vivian Lopez, Esq.
Bureau of Regulatory Affairs ❑

INSPECTIONS: ORDER MATTERS

Once upon a time, in a typical town, there were three contractors. While they all were competent workers, each had developed a bad habit. One never **listened**, one never **explained**, and the third never **looked** at anything but her own work. The three were hired to build a house together.

The carpenter on the job did excellent work, unhampered by the fact that he never spoke to anyone. In fact, he saved so much time this way that he had the entire framing of the house completed before the plumbing and mechanical contractors appeared on the job site.

Soon after the carpenter had completed the framing, the plumbing contractor arrived on the job. She, too, was an excellent contractor despite the fact that she never looked at existing work. She was blessed with a sixth sense that allowed her to run piping in the most direct manner, using the least material, and she had a variety of tools to get her through any obstacle that darn carpenter put in her path.

Soon the plumber had finished her work, and the mechanical contractor arrived on the job site. He also prided himself on his ability to use a minimum quantity of materials. Unfortunately, being the last of the three on site, he now had to avoid obstacles that both the carpenter and plumber had put in his way. An intelligent man, he knew that wood was easier to remove than cast iron and copper. Since he wanted to get the job completed on schedule and didn't feel he had time to listen to alternatives, he proceeded to remove and alter our poor carpenter's members.

Despite being notched and bored to death (as you probably are by now), the house was still standing by the time the carpenter had completed his finish work, the plumber had mounted her fixtures, and the mechanical contractor had balanced his system. And as they stood together and admired the house they just completed, it crashed to the ground!

The carpenter, who had been too busy to discuss bearing members with his fellow contractors, suddenly developed a colorful vocabulary. The plumbing contractor, who had disregarded the over-bored and over-notched structural members, saw the error of her ways; and our mechanical contractor, who had ignored the warning creaks of the framing as he used his chain saw, knew that he had to face the music.

One of the responsibilities of inspectors is to ensure that even when contractors don't communicate, their work is still completed in a safe, code conforming manner. Section 5:23-2.18 (b) 1.i. lists the required inspections. Framing inspections require care and timing, since framing that is altered **after** the framing inspection has been performed can bring the house down. Literally. It is important that what is approved during the framing inspection is still there when the job is finished. If other contractors will need to alter framing, the framing inspection should take place after they have made their changes.

Source: Michael Baier
Code Assistance Unit ❑

LOCAL GOVERNMENT ETHICS: MUNICIPAL ENFORCEMENT

Code officials should note that a bill passed by the legislature (A-3555 and 435 and S-2027 [2dR] of 1990) and signed by the Governor on February 20 will direct municipalities to set up local ethics boards. The boards, composed of local citizens, will establish a code of ethics for all elected, appointed, and career municipal public servants. The boards will review conflicts and complaints and hold hearings where necessary. Statements about business interests, honoraria, real estate ownership, etc., will need to be filed with the board.

While construction code officials are already prohibited by NJAC 5:23-4.5(h) from engaging in for-profit business activities with the construction industry in their own and adjacent towns, municipal codes of ethics could make other sorts of activities improper in a given municipality. Code officials should be aware that when their municipalities begin enforcing the local government ethics law, they may need to reevaluate their dealings and outside activities.

Source: Chrystene Wyluda
Code Development Unit ❑

PROTECTING MORE THAN OUR COASTAL RESOURCES

In the last three years, the scope of the Division of Coastal Resources has been expanded through the addition of responsibilities under the new Freshwater Wetlands Protection Act and the transference of Stream Encroachment, Flood Plain Management, and Dam Safety programs to the Division. Indeed, our name is something of a misnomer, since we now regulate development and are involved in environmental and land use issues in every county of the state. One of the major benefits from these organizational changes is the consolidation of the five major land use regulatory programs: Waterfront Development, Coastal Wetlands, CAFRA, Stream Encroachment, and Freshwater Wetlands. Another is the union of the five major engineering, environmental, and construction programs: Shore Protection, Dredging, Flood Plain Management, Harbor Cleanup, and Dam Safety.

The Division of Coastal Resources is one division comprising the Natural and Historic Resources Group of the New Jersey Department of Environmental Protection (DEP), one of the largest state agencies. Its mission is to protect the state's land, water, air, forests, fish, and wildlife. Whatever contact you

(continued on page 4)

(continued from page 3)

have with the DEP, whether it involves applying for a permit, objecting to a project, or seeking funding and technical assistance for your municipality, I hope you will have an opportunity to get to know some of the very talented, dedicated, and interesting people in the Division of Coastal Resources.

Source: John Weingart
Director, Division of Coastal Resources ❑

DIVISION OF COASTAL RESOURCES

Telefax Number: 609/292-8115
John Burke, Records Custodian: 609/292-8240

General Permit Information

(Coastal management, shore protection, CAFRA, dredging, inland waterways, navigation aids, tidelands/reparian lands, coastal wetlands, waterfront development, flood plain management, stream encroachment, dam safety, freshwater wetlands, publications) **Please refer to list below for your particular county of concern or residence.** All numbers are in the 609 area code unless otherwise noted.

	Permits	Enforcement
Atlantic	984-0288	652-0004
Bergen	633-6449	292-1240
Burlington(East)	777-0454	652-0004
(West)	777-0454	292-8203
Camden	292-8262	292-8203
Cape May	292-8262	652-3046
Cumberland	984-0266	652-3046
Essex	633-6449	292-1240
Gloucester	984-0266	652-3046
Hudson	633-6449	292-1240
Hunterdon	633-6754	292-1240
Mercer	777-0454	292-8203
Middlesex	633-6754	292-8203
Monmouth	984-0184	(908)255-0787
Morris	633-9277	292-1240
Ocean (North)	984-0042	(908)255-0787
(South)	984-0288	652-0004
Passaic	633-9277	292-1240
Salem	984-0266	652-3046
Somerset	633-6754	292-1240
Sussex	633-9277	292-1240
Union	633-6449	292-1240
Warren	633-9277	292-1240

Source: The Jersey Coast ❑

NATIONAL STANDARD PLUMBING CODE CHANGE

The National Standard Plumbing Code Committee has issued an interim amendment to the 1990 NSPC. The effective date is March 4, 1991. The code change amendment is printed below in its entirety. Questions about the amendment may be directed to Michael Baier in the Code Assistance Unit at 609/530-8793.

1991 Code Change
NSPC Section 10.5.3(E)
Effective March 4, 1991

Under ANSI Standards Publication, Appendix F, dated September 9, 1987, the NAPHCC National Standard Plumbing Code Committee held a meeting on Monday, March 4, 1991, and has adopted the following Code Change for inclusion in the *1991 Supplement to the 1990 National Standard Plumbing Code*.

p.10-4 *Amend* Section 10.5.3(E) Devices for the Protection of the Potable Water Supply *to read*

10.5.3. Devices for the Protection of the Potable Water Supply

E. *Heat exchangers used for heat transfer*, heat recovery, or solar systems.

1. Heat exchangers shall be separated from the potable water by a double wall construction *with* a space open to atmosphere between the two walls.

2. EXCEPTION: Heat exchangers *may be of single wall construction provided that all of the following conditions are met:*

a. The heat transfer medium is water or other practically nontoxic fluid having a toxicity rating or class of I, as listed in Clinical Toxicology of Commercial Products, 5th edition.

b. The pressure of the heat transfer medium is limited to a maximum of 30 psig by an approved safety or relief valve.

c. The heat exchanger is prominently and permanently labeled with instructions concerning items "a" and "b" above.

Source: William Hartz
Chief, Bureau of Technical Services ❑

ON-SITE AGENCY ENFORCEMENT

During recent auditing activity, we have noted deficiencies in municipal contracting activity with private enforcing agencies. One area in which we have found UCC violations are some fees outside the Department Fee Schedule (for example, separate fees for multiple smoke detectors, pool bonding, etc.) The only fees to be charged by private enforcing agencies are those in the state fee schedule (NJAC 5:23-4.20).

We have also found that some municipalities have engaged the services of private enforcing agencies without the benefit of valid contracts. Construction officials using private enforcing agencies can help get their towns back on track by checking their files and ensuring that valid, executed contracts are in effect. If no contract is evident, let the local governing body know to rectify the situation (NJAC 5:23-4.5A).

Since we have found deficiencies with this program, the Bureau of Regulatory Affairs is increasing activity to ensure that violations of the regulations are corrected. All municipal construction officials as administrators of the enforcing agency are asked to cooperate in this activity. Administrative staff in local enforcing agencies that use private on-site agencies may be contacted by Regulatory Affairs during random audits over the next few months. Documents that may be requested include financial and inspection records.

Any inquiries or comments should be directed to Michael Wilfing, Supervisor On-Site Agency Enforcement, or Urmil Deora, Esq., at 609/530-8839.

Source: Michael Wilfing
Bureau of Regulatory Affairs ❑

BARRIER FREE ADVOCATES

The Education Unit in the Bureau of Technical Services has updated the list of barrier free subcode advocates. There are now nearly 150 newly trained barrier free subcode advocates in New Jersey. During the past year, the Department held three training sessions and approximately 50 new barrier free subcode advocates were trained at each two-day session.

The list is divided by county and includes the names of all trained advocates willing to serve in that county. In addition, the list includes the names and addresses of the members of the Barrier Free Subcode Committee and the counties in which they are willing to serve as advocates. A preface to the list spells out the role and responsibilities of the advocate. The list has been mailed to each of the county offices on the handicapped and is being prepared for mailing to all construction officials and to the nine independent living centers in New Jersey. You should each receive your list shortly.

Source: Emily W. Templeton
Code Development Unit ❑

HANDICAPPED PARKING ACT: THE FINAL UPDATE?

Signed into law on November 29, 1989, the Handicapped Parking Act creates one uniform requirement for marking all handicapped parking spaces whether they are on public or private property. The Handicapped Parking Act requires that two signs be posted at each handicapped parking space: one sign should bear the international symbol of accessibility and the other sign should state the penalties for violation of the restrictions on the space. The law requires that after the June 1, 1990 effective date, the new signs erected should conform to the sign with the international symbol of accessibility from the federal Manual of Uniform Traffic Control Devices (number R 7-8) and a penalty sign designed by the New Jersey Department of Transportation (which DOT numbered R 7-8P). The law also requires that all the handicapped parking signs that were erected before June 1, 1990 must be modified to include the penalty sign by June 1, 1991.

On February 4, 1991, the adoption of the language amending the Barrier Free Subcode to conform to the requirements of the Handicapped Parking Act was published in the *New Jersey Register*. The Barrier Free Subcode now requires that each handicapped parking space be marked with two signs: the R 7-8 sign and the R 7-8P sign. The R 7-8 sign from the federal Manual of Uniform Traffic Control Devices has a white background, with green letters that state "Reserved Parking," and a blue wheelchair, the international symbol of accessibility, appears in the center of the rectangular sign. The penalty sign is white with black lettering. It reads:

PENALTY
$100 FIRST OFFENSE
SUBSEQUENT OFFENSES
$100 MINIMUM AND/OR
UP TO 90 DAYS COMMUNITY SERVICE
TOW AWAY ZONE

The bottom edge of the major sign (R 7-8) shall be mounted approximately 60 inches from the ground. The sign "Disabled Persons With Valid ID Only" is no longer required.

The purpose of this law is to make it possible for anyone with the authority to issue a parking ticket to ticket cars that violate the restrictions on the handicapped parking space whether that space is on public or private property. Once the space is appropriately marked with both required signs, the increased penalty applies. Erecting the sign is the first step toward effective enforcement.

Source: Emily W. Templeton
Code Development Unit ❑

AMERICANS WITH DISABILITIES ACT

Last August, President Bush signed into law the Americans with Disabilities Act. As civil rights legislation, the ADA gives protection from discrimination to people with disabilities, just as earlier civil rights legislation protected people from discrimination on the basis of race, religion, sex, or national origin. Title III of the ADA requires that places of public accommodation may not discriminate on the basis of disability and, therefore, must be accessible.

Although the regulations for the ADA are not final, I thought it would be helpful to sketch the timeframe that is included in the statute. The ADA statute directs the Architectural Transportation Barriers Compliance Board (ATBCB) to draft guidelines that the Department of Justice (DOJ) will use in writing the actual regulations. The ATBCB had already published Minimum Guidelines and Requirements for Accessible Design (MGRAD) that apply primarily to transportation centers. The ATBCB has until April 26, 1991 to update these guidelines. If the guidelines are not updated by April 26, the Uniform Federal Accessibility Standards (UFAS - already in effect for federal and federally funded buildings) will become the interim standard on which the DOJ will base its regulations. The DOJ must publish its regulations by July 26, 1991.

All this sounds very convoluted - and it is. But, because of the Barrier Free Subcode, the ADA regulations will change little in New Jersey construction code enforcement. The MGRAD, UFAS, and the NJ BFSC are all based on the American National Standards Institute standard titled "Providing Accessibility and Usability for Physically Handicapped People" (ANSI 117.1-1988). Although none of these standards is identical to any other, each is similar to the other in that each comes from the same starting point - ANSI 117.1 - and, thus, the provisions of the ADA regulations will be basically the same as those of the Barrier Free Subcode. In fact, the Department anticipates that, once completed, the ADA regulations could become by reference the Barrier Free Subcode of New Jersey.

Designed to cover buildings not covered by the Federal Fair Housing Amendments Act, the Americans with Disabilities Act makes it clear that, by federal law, access to public accommodations will not be regarded as a privilege nor as an opportunity, but, rather, as a basic, universal, civil right.

Source: Emily W. Templeton
Code Development Unit ❑

UCCARS: A WORD TO THE WISE

The Uniform Construction Code Activity Reporting System (UCCARS) is now working very well in over 250 municipalities. The program software works. When there is a malfunction, it is usually an equipment problem - often, the WRONG equipment.

When we tested UCCARS, we selected the best equipment package for the program. We then sent that equipment list to every municipality. Recently, we mailed all System I users the equipment specifications for System II and networking. We guarantee the UCCARS programs will work with this equipment.

When you buy equipment other than that specified, and you are told that the modem, printer, tape backup or any other item is just as good as the one we listed and cheaper besides - get it in writing that UCCARS will work on the substituted equipment. If you save $100 on XYZ printer and the forms come out all wrong, we can't help you. You didn't save $100 - you probably wasted $800.

The UCCARS System can save you hundreds of hours on reports and provide an excellent organizational tool for your office - but only if your equipment works!

Source: William Hartz
Chief, Bureau of Technical Services ❑

UNIFORM CONSTRUCTION CODE: IS YOUR BLUE BOOK UP TO DATE?

Recently, transmittals 19 through 25 were mailed to all licensed code officials and to those on the subscription service list. The transmittals update the Uniform Construction Code blue books.

If you have not received these transmittals, or if you want more information on the subscription service, please call 609/530-8820 and ask for the Publication Unit.

Source: Cecilia Heredia
Publication Unit ❑

MODEM TRANSMITTALS

I'm sure that by now, all municipalities know we are accurately checking the permit and certificate activity reports. If yours are in error, late, or missing, you have probably been contacted by the Bureau of Regulatory Affairs.

About 250 municipalities are using the Uniform Construction Code Activity Reporting Systems (UCCARS), but only about 120 transmit their reports by modem. That means 130 municipalities still do all the paperwork and mail in the reports. Why? You have made the major investment in computer hardware. For a few hundred dollars more you can purchase the modem and necessary software to transmit your reports by phone line. (Equipment: Hayes 1200 or 2400 baud modem, software: Crosstalk XVI by Microstuff).

In addition to transmitting reports by modem, you also have access to the DCA Bulletin Board. Right now we place short messages, code adoptions' effective dates, and other current

information on the Bulletin Board. All of this information can be read or printed in your office. In 1991, the Bulletin Board will be even more effective in communicating between DCA and the local code enforcement office.

Recently, the United States Department of Commerce, Bureau of the Census, notified 119 New Jersey municipalities that they no longer needed to submit a printed federal census report. These were the municipalities using UCCARS and transmitting by modem on a timely basis. Once we received this information, we transmitted the federal census information by modem to the Bureau of Census.

How hard is it to send the reports by modem? First, select the menu item 'Send Data to DCA.' Next, touch the <F2> key, then sit back and let the computer do the rest. It will gather all data, compile it to the proper report format, dial the DCA phone number, transmit the reports, and then mark all of the information so that it cannot be sent again.

Source: William Hartz
Chief, Bureau of Technical Services ❑

USING UCCARS

Very early in the initial design stages of the UCCARS system, DCA and OTIS determined that a Maynard tape backup unit would be an integral part of the recommended equipment complement. Hindsight shows the prudence of this decision which has already protected several municipalities from catastrophic data loss.

Unfortunately, all is not rosy - catastrophies have occurred because not all municipalities adhere to this recommendation. Some install less costly units that are not as reliable and not integrated into the UCCARS menus. Some opt to forego this form of data insurance altogether.

What can go wrong? The answer lies in your hard disk drive, which is the sole repository of all programs and all data on your computer. No problem with your programs - they can be reloaded from the floppy disks they came on. But your data files are dynamic; if you do not make a copy of them whenever you change them by entering new data or by updating existing data, you are entrusting the integrity of your department's operations to the reliability of one device - the hard disk drive.

The hard drive is an electromechanical device that continuously spins at 3600 RPM and is built to extreme tolerances. It is by far the most failure-prone component in your computer. And unfortunately, it is a device to which most PC manufacturers and service shops do not pay sufficient homage, simply because good hard drives are more costly to install. When your hard drive fails, any data that was stored on it is generally lost forever (unless, of course, it was backed up). A few municipalities have learned this the hard way. In some cases, nine months, two years, and even three years worth of work in entering UCCARS data has been completely wiped out. And now there is a new wrinkle: industrial sabotage. One weekend recently, a disgruntled employee wiped out UCCARS, and in doing so, undid three years of data entry!

The recommended procedure is to allocate five tapes for your daily backups, labeling each for a specific day of the week. On Monday, use the Monday tape, etc. For your end-of-week backups, alternate between two different weekly tapes. For your end-of-month backups, alternate between two or three monthly tapes. Remember that the monthly backup procedure copies all files from your hard drive 'C:' to the tape. This means that in addition to UCCARS, everything you have on drive 'C:' is automatically backed up. If you do other work in addition to UCCARS on your PC, we recommend that you skip the 'Weekly' option in the backup menu and instead use the 'Monthly' option each week.

You can ensure that your Maynard tape backup system is operating properly by performing a few simple tests.

First, run UCCARS to perform a daily backup. Leave the tape in the drive when it is finished and exit out of UCCARS to get to the 'C:' prompt. Then run the Maynard tape backup software directly by typing:

CD\MAYNARD <Enter>
TMENU <Enter>

A menu screen will appear with choices across the top. Cursor over to the choice marked 'Utilities' and hit <Enter>. A new list of choices will now appear; cursor down to the choice marked 'Directory' and hit <Enter>. The names of 13 datafiles that have been backed up should be printed on your screen. Two important files on this list are 'PERMCERT.DBF' and 'PAYMENT.DBF.'

For the next test, cursor back up to 'Utilities,' then over to the 'Verify' choice and hit <Enter>. A list of new choices will appear; cursor down to the choice marked 'Go' and hit <Enter>. Your PC will now reread the datafiles it just backed up from the hard drive, and compare them bit by bit to the copies it wrote onto the backup tape. There should be one discrepancy that shows up for a file named 'SETUP': the time stamp of the tape version will be earlier than the time stamp of the disk version because the backup was done through UCCARS - that's OK. If 'Verify' detects any other differences, you should have your backup system checked immediately.

Maynard recommends that all your tapes be retensioned each year. This can be done by inserting each tape, one at a time, into the tape drive and choosing the 'Tension' selection on the 'Utilities' menu of TMENU. Your PC will then unwind and rewind each tape so that the entire length is wound at a uniform speed and tension.

Source: Stan Kosciuk
President, Municipal Information Systems ❑

ETS NATIONAL CERTIFICATION PROGRAM TEST DATES/ CUT-OFF DATES FOR 1991

Test	Registration Deadline
April 20, 1991	March 14, 1991
August 17, 1991	July 11, 1991
November 23, 1991	October 21, 1991

Source: William Hartz
Chief, Bureau of Technical Services ❑

CODE BOOKS AVAILABLE

The Building Officials Association of New Jersey now has the new CODE BOOKS available at the following enforcing agency locations.

Montclair, 205 Claremont Avenue
Al Ward (201/509-4949)

Egg Harbor Township, Bargaintown and Central Avenues
Robert F. Lemon (609/926-4121)

Oradel, 355 Kinderkamack Road
Wolfgang Albrecht (201/261-8005)

Denville Township, 1 St. Mary's Place
Russ Lindsay (201/625-8328)

At present we have the following codes:

BOCA National Building Code/1990
soft cover $46.00

CABO One & Two Family Dwelling Code/1989
soft cover $25.00

Source: Robert F. Lemon
Construction Official, Egg Harbor Township ❑

ZEROS...?

The Department of Community Affairs has one problem that you can help solve if you send in data by modem. The computer does not have the ability to differentiate between "no activity" and "no report submitted." For this reason, you must submit a paper report when there is no activity in either the permit or the certificate reports to prevent your receiving a delinquency letter from us. The impact of not following this procedure is bad records, extra paperwork, and expense for everybody.

Source: Larry Wolford, Research Analyst
Bureau of Regulatory Affairs ❑

UNLISTED LIQUIDTIGHT, FLEXIBLE METAL CONDUIT

It has come to our attention that some electrical inspectors around the state are approving installations containing unlisted liquidtight, flexible metal conduit. This material is produced by several different manufacturers and bears markings such as "meets JIC standards" only.

To be acceptable, liquidtight, flexible metal conduit **must** bear the listing mark of a nationally recognized testing laboratory such as UL, CSA, FM, MET, ETL, etc. Acceptance of the unlisted product is a violation of the NEC sections 90-6, 100-2, and 110-3, as well as the UCC regulations in 5:23-3.8A(d)2.i.

All inspectors should examine the listing marks and reject any installations that do not comply. The supply houses should be notified that the sale of the unlisted products is also a violation of both the Uniform Construction Code Act and the Regulations.

Source: Robert A. McCullough
Chairman, Electrical Subcode Committee ❑

NEW JERSEY REGISTER ADOPTIONS

Date	Adoption
11/19/90	22NJR 3482(d) Underground Storage Tank Systems Adopted Amendments:NJAC 5:23-1.1 and 3.1. Adopted New Rule: NJAC 5:23-3.11B.
	22NJR 3483(a) Permit Exemption for Temporary Greenhouses:NJAC 5:23-2.14 and 3.14.
2/4/91	23NJR 296(a) Barrier Free Subcode Adopted Amendments: NJAC 5:23-7.13 and 7.18.
2/19/91	23NJR 405(b) Gas Utility Meters Adopted Amendment: NJAC 5:23-2.14.
	23NJR 406(a) Interpretation: Casino Stools Adopted Amendment: NJAC 5:23-9.6.

❑

The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may be directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. **Address changes or subscription questions should be directed to the DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.**

APPLES AND ORANGES

There is a problem out there in River City. The apples and oranges are getting all mixed up. In this case, the apples are the continued certificates of occupancy and the oranges are the documents municipalities are giving for resale inspections. All are being bunched together and reported to DCA. This is not the correct procedure.

Under the Uniform Construction Code, a continued certificate of occupancy is issued upon request by the owner or for ongoing inspections only. It represents that a visual inspection of the structure has been conducted by four subcode inspectors. When the CCO is requested, four technical sections must be completed and routed to each inspector, signed when complete, and the certificate issued by the construction official. If there are any apparent violations, the necessary permits must be obtained. The fee your municipality charges for the CCO should cover your costs for all four inspections.

Many municipalities make the mistake of issuing CCOs for resale inspections. Resale has nothing to do with the Uniform Construction Code. This type of inspection falls under a maintenance code or ordinance that the governing body must establish. Forms must be designed to meet your needs. The UCC certificate form (F260A) is not to be used for this purpose. You have no responsibility for reporting this to the DCA on your monthly report.

We don't want to discourage you from providing this service to your municipality. We just want to clarify the use of and procedure for issuing a continued certificate of occupancy under the UCC. If further clarification is needed, please contact the Bureau of Regulatory Affairs at 609/530-8841.

Source: Bureau of Regulatory Affairs ❑

INVALIDATION OF UPLAND WATERFRONT DEVELOPMENT REGULATIONS

On December 26, 1990, the Appellate Division of the Superior Court of New Jersey invalidated the NJDEP's Division of Coastal Resources regulations which controlled development along the coast. The Court found that the Emergency Waterfront Development Regulations which affected properties adjacent to tidal waters in the CAFRA zone exceeded the intent of the Waterfront Development Law of 1914.

In effect, the Appellate Court ruling precludes the NJDEP from regulating activities upland of the mean high water line under the Waterfront Development statute. It also limits that department's upland jurisdiction to that provided by the Coastal Area Facilities Review Act, i.e., 25 residential units or more, major sewer lines, parking areas, etc.

According to Robert Tudor, Assistant Director for Regulation, the DEP has received approximately 1,400 applications since October 3, 1988, when then-Commissioner Daggett first adopted the emergency rule. The Division is now in the process of cancelling applications and advising any applicants who were denied permits that those denials no longer have any force or effect. For those people who got approvals with conditions, the Division is relying on the media and local officials to advise them that those conditions likewise have no force or effect.

At this point, the State jurisdiction is the same as it was before October 3, 1988. Upland Waterfront Development Permits no longer constitute an approval that is needed before a local building permit can be issued. However, the Department continues to regulate activities below the mean high water line for projects such as bulkheads, docks, dredging, and mooring piles, as well as activities regulated under the Freshwater Wetlands Protection Act, Wetlands Act of 1970, and Flood Hazard Area Control Act (Stream Encroachment).

For further information regarding the Department of Environmental Protection's jurisdictional authority, please contact the Division of Coastal Resources, Bureau of Enforcement, at 908/255-0787.

Source: Carrie A. Caluo
Division of Coastal Resources ❑

GAS STATION FLOOR DRAIN EXEMPTIONS

In January all construction officials were mailed an unnumbered FTO explaining that floor drains should not be required for gas stations. The FTO was requested by several major oil companies because recent federal and state standards for hazardous effluent have made it necessary for stations to remove or cap existing drains, and to build new facilities without drains. Hazardous releases through the drains could cause stations to be penalized with fines of up to a million dollars per day.

While the FTO was written to apply to service stations, it can reasonably be extended to other similar vehicle repair and maintenance facilities. The Department is currently investigating how much farther the scope of the FTO should extend to accommodate the new environmental laws. Consideration should be given to reasonable requests to build new facilities without floor drains when they will have hazardous effluents.

Source: Chrystene Wyluda
Code Development Unit ❑

CONSTRUCTION CODE COMMUNICATOR INDEX

At a recent seminar, an inspector told me he saves all of the *Construction Code Communicators*. He said there was a lot of good information and that it was about time we did an index. He was right. (Once again, it was your idea that improved the system!) The index for the eight issues from 1989-1990 appears below. I hope it is helpful.

Source: William Hartz
Chief, Bureau of Technical Services ❑

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❑

FAXING CUT-IN CARDS

Municipal code officials might like to know that one electrical utility has approached the Department about the possibility of inspectors FAXing cut-in cards to expedite electrical hook-ups. The Department is not opposed to this procedure as long as the inspector and employer (municipality, third party agency) have the necessary equipment and can either absorb or pass on fees, plus any additional cost for FAX transmission. No utility may **require** FAX transmissions, however; their use must be optional.

Source: Chrystene Wyluda
Code Development Unit ❑

I CAN SEE YOU !

As a member of the Regulatory Affairs staff, I have observed that many people are having problems with the UCCARS system, primarily in the area of logon procedures. The two computers dedicated to UCCARS are within easy access and visibility of my desk, so if you are experiencing problems getting onto the system, please call 609/530-8838 and ask for Larry Wolford. I will be happy to help in any way possible. My normal working hours are from 9:00am to 5:00pm Monday through Friday.

Source: Larry Wolford, Research Analyst
Bureau of Regulatory Affairs ❑

INSPECTOR ASSOCIATION MEETING

Several inspector associations have requested that we print meeting information for their associations. We also thought it was a good idea. In future editions we hope to have other association meeting dates and locations.

Tri-County Construction Code Association

Dates: March 27th
April 24th
May 29th
June 26th

Time: 6:00pm

Place: Silver Lake Inn
Route 30 (White Horse Pike)
Clementon, New Jersey 08021
609/783-3300

If you are not a member but would like to attend one of our meetings, please call Raymond Holshue at 609/625-1591. ❑

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State of New Jersey
Jim Florio, Governor

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Melvin R. Primas, Jr., Commissioner

Volume 3 Number 2

Summer 1991

10TH ANNUAL BUILDING SAFETY CONFERENCE

On May 1-3, 1991, the 10th annual Building Safety Conference was held at the Taj Mahal Casino Resort in Atlantic City, New Jersey. While this was not the biggest conference - 608 inspectors and 105 spouses attended - it may have been the best.

On Wednesday evening, May 1, 280 inspectors participated in the Crackerbarrel, a discussion session consisting of 37 round tables and topics to choose from. During the next two days each inspector attended 10 hours of training from the 26 seminars offered at the conference.

The highlight of the conference was the Inspector of the Year Luncheon on Thursday, where Commissioner Primas and the four inspector associations presented awards to the four inspectors of the year. The recipients of these awards were:

Building: Wolfgang Albrecht; Fire Protection: John Lightbody; Plumbing: John Van Gilson; Electrical: Richard "Slim" Faller. Congratulations to all four for their outstanding achievement!



Left to right: Wolfgang Albrecht, John Lightbody, Melvin R. Primas, John Van Gilson, Richard "Slim" Faller

1992 BUILDING SAFETY CONFERENCE

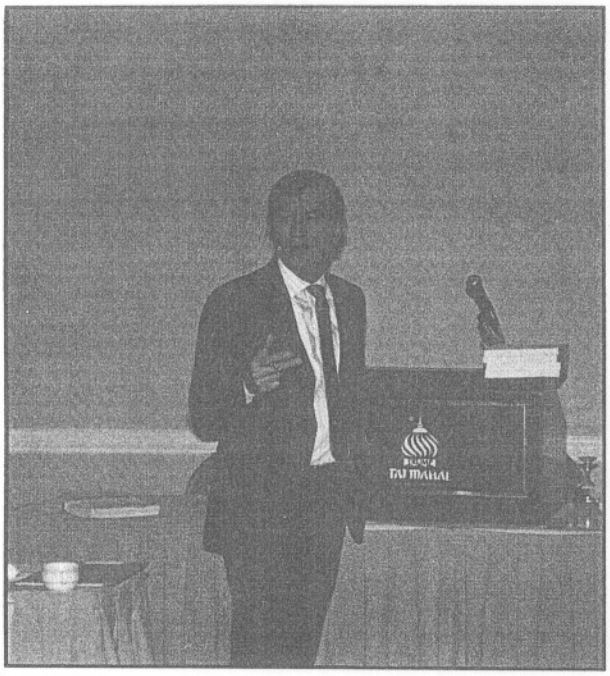
The 11th annual Building Safety Conference of New Jersey will be held at the Taj Mahal Casino Resort on April 8-10, 1992. Room rates for next year's conference will be $85.00 per night, and we anticipate the registration fee to be about $45.00. Of the inspectors who responded to this year's conference evaluations, a 2-to-1 majority indicated a preference for returning to the Taj Mahal. More information will follow.

Source: William Hartz
Chief, Bureau of Technical Services ❑

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1991 Building Safety Conference of New Jersey

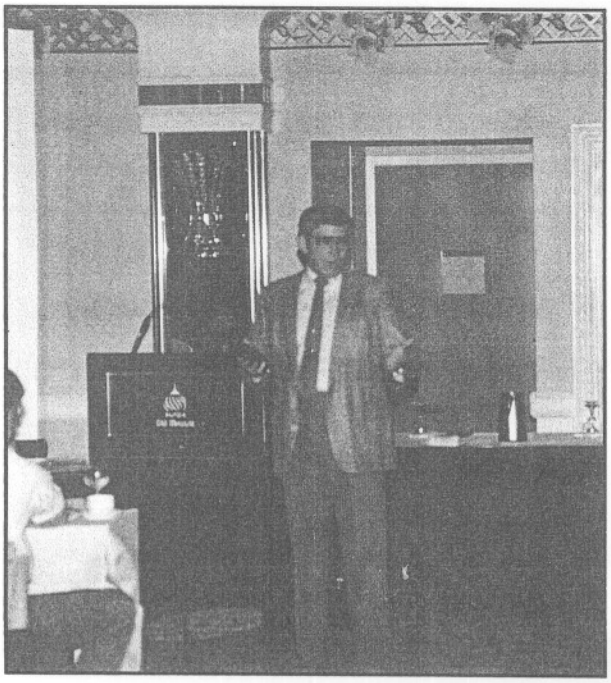


Above: William Merchut instructing "Non-Structural Plan Review."



Above: Russell Lindsay, *left*, President of the Building Officials of New Jersey, and Wolfgang Albrecht, 1991 Building Inspector of the Year.

Below: James Stallcup instructing "Article 500-Hazardous Locations."



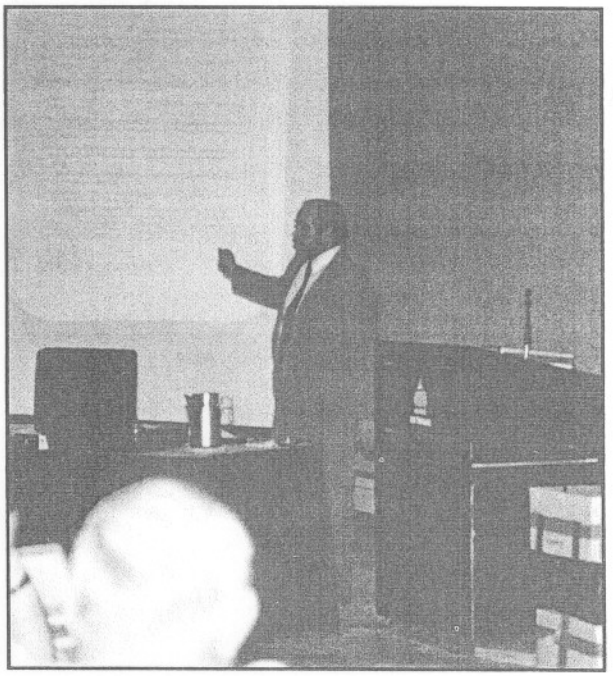
Below: William Schultz, *left*, President of the Fire Prevention and Protection Association, and John Lightbody, 1991 Fire Protection Inspector of the Year.



May 1-3, 1991, in Atlantic City, New Jersey



Above: Daniel Danyanovitch, *left*, President of the New Jersey State Plumbing Inspectors Association, and John Van Gilson, 1991 Plumbing Inspector of the Year.

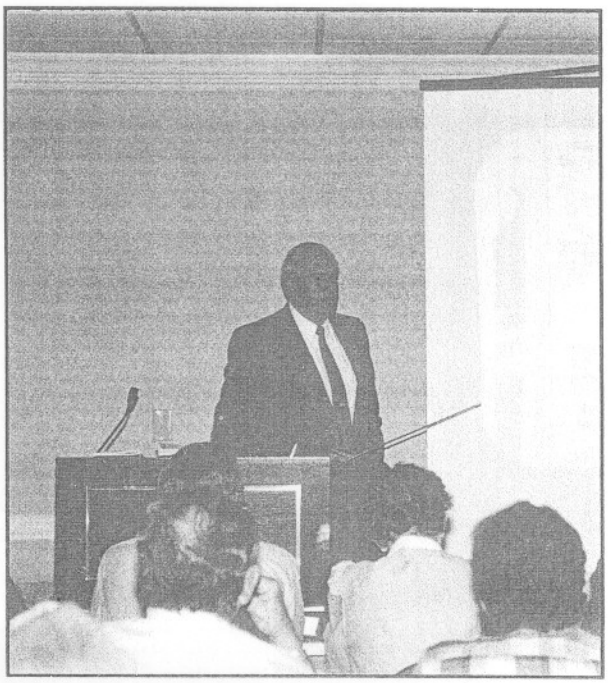


Above: Raymond Sebastian instructing "Mechanical Code, Update and Review."

Below: Richard Marshall, *left*, President of the Municipal Electrical Inspectors Assn. of New Jersey, and Richard "Slim" Faller, 1991 Electrical Inspector of the Year.



Below: Raymond Lynch instructing "Backflow Prevention."



SPOUSES' PROGRAM

In another successful year, 105 women attended the Spouses' Program of the 10th Annual Building Safety Conference. The Taj Mahal provided an elegant setting for an enjoyable gathering. The events began on the evening of May 1 with the traditional wine and cheese reception that has become a pleasant way to get reacquainted with old friends and to make new ones.

This year's tour group spent a sunny Thursday at Wheaton Village, visiting an authentic, century-old glass factory and museum, the regional craft arcade, and quaint speciality shops. Those who stayed at the Taj for the alternate programs had a hands-on opportunity to design and create paper crepe wreaths, with beautiful results. After the inspector's luncheon, the group took part in a delightful presentation on preparing a professional buffet table display, and received tips on preparing some simple but elegant hors d'oeuvres. Friday morning wrapped up the festivities with coffee, danish, and conversation, followed by a brief overview of interior design.

As always, the group was warm and enthusiastic, and we are already looking forward to next year. Cecilia Heredia, Sharon Roy, and I extend our thanks to these women for a wonderful time and for the honest comments and criticisms that will enable us to provide other entertaining programs in future years.

Source: Joanne McDonald
Division of Codes and Standards ❑

TRAINING FEE INCREASE

Effective July 1, 1991, the State of New Jersey training fees on volume of new construction will be raised from $0.0014 to $0.0016 per cubic foot. All construction officials were notified of this increase in March by Advisory Notice 1991-2.

Source: William Hartz
Chief, Bureau of Technical Services ❑

PRIOR APPROVALS?

Recently, the Bureau of Regulatory Affairs has had the unpleasant duty of investigating allegations of permits being issued without prior approval and in the face of violations of the Soil Erosion and Sediment Control Act. Most problems seem to arise from careless checking of prior approvals, or from a lack of communication and/or cooperation between the parties involved. These situations could be avoided by use of a checklist and a little common sense. A ten-minute review of DCA Technical Bulletin 84-3 may also be helpful.

Source: Michael Wilfing
Bureau of Regulatory Affairs ❑

NOTABLE LICENSURE CHANGES

Effective April 1, 1991, the licensure application fee schedule listed on the last page of the Licensing Information Booklet (printed prior to April 1, 1991) has been changed. Fees previously listed as $30.00 are now $40.00, and those previously listed as $10.00 are now $20.00. Anyone interested in obtaining a copy of the new fee schedule may call 609/530-8803.

Beginning July 1, 1991, the Elevator Inspector and Elevator Subcode Official licenses will become available. In general, three basic requirements are necessary for licensure:

1. acceptable experience;
2. successful completion of an approved educational course; and
3. successful completion of test module 6B-Elevator General.

Please note that proof of successful completion of test module 6B of the National Certification Program for Construction Code Enforcement Inspectors prior to July 1, 1991 will be accepted if the application for licensure is received within three years of issuance of the test results, or by June 30, 1992. Licensure in the elevator subcode area will be required by July 1, 1992 in order to officially review plans, witness tests, and inspect elevators in New Jersey.

As a final note, persons certified by the New Jersey Department of Personnel as elevator inspectors before July 1, 1991, and who are currently employed in this title, will be entitled to the Elevator Inspector license on a provisional basis, pending successful completion of the required course and test within 24 months of the date of provisional licensure. Application forms and all relevant information concerning the Elevator Inspector and Elevator Subcode licenses can be obtained by writing to the Licensing Unit, CN 816, Trenton, NJ 08625, or by calling us at 609/530-8803.

Source: Frank L. Salamandra
Supervisor of Licensing ❑

NATIONAL CERTIFICATION TEST DATES

Test Date	Deadline for Registration
August 17, 1991	July 11, 1991
November 23, 1991	October 18, 1991
April 25, 1992	March 20, 1992

For registration forms or more information, please call Educational Testing Services at 609/921-9000.

Source: William Hartz
Chief, Bureau of Technical Services ❑

FIRE PROTECTION RCS LICENSE

A proposed UCC licensing change with an expected adoption date of June 1991 would eventually eliminate the Fire Protection RCS license. The responsibilities of the Fire Protection RCS Inspector were always very limited. In fact, they were so limited that a National Certification Test for One and Two Family-Fire Protection could not be developed.

The expected licensure changes are outlined below for your information:

1. No new Fire Protection Inspector RCS licenses will be issued after July 31, 1991.

   A. Those who satisfy all Fire Protection RCS requirements and whose applications are approved prior to that date will be awarded the license.

2. Those who presently hold a Fire Protection Inspector RCS license should consider upgrading that license to the ICS level prior to July 31, 1993. As of that date, the Fire Protection RCS license will cease to be a valid license in the State of New Jersey.

   A. In order to upgrade, you must complete the Fire Protection ICS course (note exemption in NJAC 5:23-5.14 (b), 1. for those with related degrees).

      i. This course will remain a 90-hour course through the fall of 1991.

      ii. Effective January 1, 1992, this course will become a 120-hour course **even for those who have completed the 45-hour Fire Protection RCS course.** Note: we will attempt to have several institutions concurrently offer the 90- and 120-hour Fire Protection ICS courses. This will, at best, be a limited number of schools; therefore, your best opportunity is to complete the 90-hour course in fall 1991.

   B. In addition to the course requirements, you must also complete test modules 3B-Fire Protection General and 4A-Mechanical One and Two Family of the National Certification Program for Construction Code Inspectors.

   C. Finally, you must also satisfy the experience requirements as stated in NJAC 5:23-5.14(a).

This is a change that will benefit code enforcement and life safety in New Jersey. If you have questions about course offerings, see page 6 for a list of colleges that offer our programs. Other questions may be addressed to the Licensing Unit at 609/530-8803.

Source: William Hartz
Chief, Bureau of Technical Services ❑

CONSTRUCTION CODE COURSE HOURS

Over the last several semesters many of our construction code instructors have indicated that there is not enough time to cover all the material in their courses. As a result, a proposal to change the course hours has been published in the *New Jersey Register* (4/15/91). The changes follow:

Course	Old	New
Building Inspector RCS	45 hours	60 hours
Building Inspector ICS	60 hours	90 hours
Building Inspector HHS	90 hours	60 hours
Plumbing Inspector HHS	30 hours	60 hours
Electrical Inspector HHS	30 hours	45 hours
Fire Inspector ICS	90 hours	120 hours
Fire Inspector HHS	30 hours	60 hours

Two courses will remain the same:

Plumbing Inspector ICS	90 hours
Electrical Inspector ICS	60 hours

Please note the reduction in hours in the Building Inspector HHS course, which results from transferring the responsibility for Article 10 to the fire protection inspectors.

The courses starting in the fall semester will conform to the new hour requirements, with the exception of Fire Protection ICS. The new 120-hour course will be introduced January 2, 1992. If you have any questions on course content or the required hours, please call the Education Unit at 609/530-8798.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❑

PUBLIC NOTICE

Take notice that the 1990 and 1991 supplements to the CABO One and Two Family Dwelling Code/1989 and the 1991 Supplement to the National Standard Plumbing Code/1990 are now available. The effective date for the use of these model codes in New Jersey is hereby set at May 20, 1991, pursuant to the State Uniform Construction Code Act (NJSA 52:27D-123b.) which provides that "the initial adoption of a model code or standard as a subcode shall constitute adoption of any subsequent revisions or amendments thereto." Proposed amendments containing all necessary technical and editorial changes will be published in the *New Jersey Register*.

Source: William Hartz
Chief, Bureau of Technical Services ❑

COMMUNITY COLLEGE COORDINATORS

Atlantic Community College
Coordinator: James Foran
Address: Black Horse Pike
Mays Landing, NJ 08330
Telephone: 609/343-5114

Bergen Community College
Coordinator: John Riismandel or Eileen Sutherland
Address: 400 Paramus Road
Paramus, NJ 07652
Telephone: 201/447-7150

Brookdale Community College
Coordinator: Maureen Sherman
Address: Newman Springs Roads
Lincroft, NJ 07738
Telephone: 201/842-1900, Ext. 304

Burlington County College
Coordinator: Diane Cooke or Mary Angell
Address: Pemberton-Browns Mills Road
Pemberton, NJ 08068
Telephone: 609/894-9311, Ext. 478

Camden County College
Coordinator: Matt Davies
Address: P.O. Box 200
Blackwood, NJ 08021
Telephone: 609/227-7200, Ext. 254

Cumberland County College
Coordinator: Mike Zaccaria
Address: P.O. Box 517
Vineland, NJ 08360
Telephone: 609/691-8600, Ext. 342

Essex County College
Coordinator: Carl Weininger or Nora Rappel
Address: 303 University Avenue
Newark, NJ 07102
Telephone: 201/877-3439 (Newark)
201/228-3971 (W. Caldwell)

Gloucester County College
Coordinator: Ed Vickner
Address: R.R. 4, Box 203
Tanyard Road
Sewell, NJ 08080
Telephone: 609/468-5000, Ext. 254

Mercer County Community College
Coordinator: Pat Johnson or Marga Dillow
Address: 1200 Old Trenton Road
Trenton, NJ 08690
Telephone: 609/586-4800, Ext. 241/281

Middlesex County College
Coordinator: Lynn Lederer
Address: The Institute, Raritan Center
98 Northfield Avenue
Edison, NJ 08818
Telephone: 908/417-0690

County College of Morris
Coordinator: Bruce Perkins
Address: Route 10 and Center Grove Road
Randolph, NJ 07869
Telephone: 201/328-5180

Ocean County College
Coordinator: Debra Speaker or Josette Peterson
Address: College Drive
Toms River, NJ 08753
Telephone: 201/255-4000, Ext. 2268

Raritan Valley Community College
Coordinator: Charles Speierl or Mary Kampolattano
Address: P.O. Box 3300
Somerville, NJ 08876
Telephone: 908/256-1200, Ext. 367

Union County College
Coordinator: Joanne La Perla or Roseann Bucciarelli
Address: 1033 Springfield Avenue
Cranford, NJ 07016
Telephone: 908/709-7603

Source: Larry Wells
Program Developmental Specialist II
Bureau of Technical Services ❑

UCCARS SYSTEM II FEE SCHEDULE

For those of you who will be upgrading from System I to System II, it is most important to prepare for System II by examining your fee schedule. The closer your fee schedule is to the DCA recommended fee schedule, the easier and more successful your transition will be. Remember, your numbers don't have to match the numbers in the DCA recommendation. What counts is the method by which the fees are calculated, or the formulas that are used.

You might say the DCA fees are too high or too low compared to what your office must charge. That's OK — you adjust the rates used to calculate the fees when you install System II. You can even adjust the values of breakpoints. For example, you can change "1-25 outlets" to "1-10," or "1-50." In fact, you can change any rate or breakpoint in the System II fee schedule; but you cannot alter the method of calculation.

The fee schedules for any subcode inspected by an outside inspection agency should be correct, because inspection agen-

cies use the state fee schedule. In reviewing your fee schedule, you should be looking for those "special" fees that you or your predecessor might have incorporated. You should also check for incremental fees. For example, rather than grouping smoke detectors into quantities of 1-10, 21-50, etc., you might be charging a flat fee for each detector. Check NJAC 5:23-4.20 for the method of calculation and remember, all monetary amounts and increments may be changed. Note that minimum fees should be applied individually to each subcode rather than to the overall permit.

Municipalities that have been the most successful in upgrading to System II are those that have done their homework ahead of time. They have carefully reviewed their fee schedules and have aligned their methods of calculations with the recommended methods.

Source: Stan Kosciuk
President, Municipal Information Systems ❑

ALTERATIONS: THE CORRECT FEE?

A question frequently raised at seminars, as well as in the office, is the correct method of calculating fees for alterations, renovations, and repair. NJAC4:23-4.18(c) states that fees shall be computed based on the estimated construction cost and the number and type of plumbing, electrical, and fire protection fixtures or devices. The fee shall be computed as a unit rate per $1,000 of estimated **building** cost plus a fee per unit rate for fixtures and devices.

This regulation **DOES NOT** mean that the cost of the entire project, including building, plumbing, electrical, and fire, is first estimated and assessed a unit rate per thousand, and then, **in addition,** a unit rate for each plumbing, electrical, and fire protection device/fixture assessed on top of that. The correct method is as follows:

An alteration has an estimated cost of $50,000 for building work, $5,000 for electrical work, $4,000 for plumbing, and $3,000 for fire protection work. Specifically, 35 electrical devices, 12 plumbing fixtures, and 10 sprinkler heads are being installed.

The local fee ordinance specifies a cost of $8 per $1,000, up to an estimated cost of $100,000, $15 for 1-50 electrical receptacles or fixtures, $5 per plumbing fixture, and $25 for 20 or fewer sprinkler heads. Hence, the fee is computed as follows.

Estimated cost of **building** work:	
$50,000 @ $8 per $1,000 = $8 x 50	= $400.00
Plumbing: 12 fixtures @ $5	= $60.00
Electrical: 35 fixtures	= $15.00
Fire protection: 10 sprinklers	= $25.00
Certificate of occupancy (flat fee)	= $35.00
Total cost of construction permit:	$535.00

No training fee is charged, as that applies only to volume of new construction. We hope that this will clear up any misunderstandings. If you still have questions, though, call the Bureau of Regulatory Affairs at 609/530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs ❑

INSTALLATION OF UNDERGROUND CONDUITS

Until recently, controversy has surrounded whether or not the licensed electrical contractor alone has the statutory authority to install underground conduits for electrical conductors on private property, exterior to the building.

In February 1991, Attorney General Robert J. DelTufo ended the controversy by establishing that the type of work involved in laying underground conduits, exterior to the building and without handling either energized or non-energized electrical conductors, is not electrical contracting work under the Electrical Contractor's Licensing Act of 1962. Such work does not demand any special electrical expertise other than basic construction skills. Given the fundamental construction nature of the work, the Attorney General's office advised the Board of Licensing of Electrical Contractors that those engaged in such activities are not subject to the licensing and business permit requirements explicit in NJSA 45:5A-9. The work is subject to the other requirements of the UCC, however, including construction permits and inspections.

Source: Ashok K. Mehta
Principal Engineer ❑

ON-SITE INSPECTION SERVICE CONTRACTS

During recent random auditing activity, we noticed that many municipalities have been contracting with on-site inspection agencies for inspection services without going through a competitive bidding process. Municipalities instead are referring to these services as "professional services," which are exempt from competitive bidding under the local public contracts law (NJSA 40A:11-1 et seq.).

As interpreted by the Superior Court of New Jersey in "Burlington Twp. vs. Middle Department Inspection Agency," 175 NJ Super 624 (law division 1980), the Department considers that these subcode inspection services do not meet the intent and spirit of the "professional services" exemption nor the "extraordinary unspecifiable services" exemption contained in NJSA 40A:11-2(6), (7), and 5(1)(a)(i) of the local public contracts law. In this ruling, the court held that electrical inspection and enforcement services were neither "professional services" nor

(continued on page 8)

(continued from page 7)

"extraordinary unspecifiable services," and hence, required contracts to be awarded by competitive bidding.

NJAC 5:23-4.14(3) requires a contract to be executed between the on-site inspection agency and a municipality **before** the on-site agency can enforce any subcodes in that municipality. Under the local public contracts law, on-site inspections undertaken by private agencies are exempt only from the requirement of public advertising for bids. In other words, a municipality wishing to use an on-site inspection agency is not required to advertise in a newspaper for competitive public bidding. The municipality must, however, follow the selection criteria as contained in NJAC 5:23-4.5A, and must request written, sealed proposals from each authorized on-site agency before selecting and appointing an agency to act as a subcode official for the subcode(s) to be contracted.

A list of authorized on-site agencies is available from the Department. In addition, construction officials are reminded to maintain records of all written proposals and related documents which are open for Departmental review and audit, and for public inspection during business hours (NJAC 5:23-4.5(3)).

Source: Urmil Deora, Esq.
Bureau of Regulatory Affairs ❑

SUBCHAPTER 8: ASBESTOS

At its first meeting in June 1989, the New Jersey Asbestos Review Committee (NJARC) was given its charges: to analyze and offer specific changes to Subchapter 8, and to draft a regulatory proposal for the abatement of asbestos in occupied buildings. Composed of representatives of Asbestos Safety Control Monitor (ASCM) firms, asbestos hazard abatement contractors, public members, and representatives of the Department of Health and the Department of Community Affairs, the committee approached its assignment through wide-ranging discussions of Subchapter 8, which began with definitions and continued topically through the subchapter. The committee was aware that it was breaking new ground in drafting regulations for asbestos hazard abatement in occupied buildings, and it proceeded with a conservative and detailed proposal. The NJARC recommendations were submitted to the Department in November 1990.

Department staff has undertaken a thorough review and is currently drafting regulatory language to reflect many of NJARC's recommendations. This process is expected to be completed over the summer. The revisions and additions to Subchapter 8 should be ready for proposal in the *New Jersey Register* in the fall. Following publication, a public hearing will be held as part of the pubic comment period.

Source: Emily W. Templeton
Code Development ❑

THE AMERICAN WORK ETHIC -- BACKLASH

No one faults those willing and able to work an extra job to bring home an extra dollar. When one individual has to clone a twin to get all the work done, though, questions are raised.

Heads up, folks. Your credibility as a competent inspector gets stretched when you have two full-time and six part-time towns. Situations like this hypothetical one are being brought to the attention of Regulatory Affairs.

"Windshield" inspections don't cut it.

Eleven pm inspections don't cut it.

Simultaneous hours in two towns ten miles apart don't cut it.

NJAC 5:23-2.29 (Entry)

(b) "...All inspection...shall be between the hours of 9:00 am and 5:00 pm on business days, or when construction is actually being undertaken; provided, however, that inspections may be conducted at other times if the enforcing agency has reasonable cause to believe that an immediate danger to life, limb, or property exists, or if permission is given by an owner, or his agent..."

When Regulatory Affairs gets a complaint that the above UCC provision is being violated, and/or it is patently impossible, given the permit activity in those municipalities, for an official without a twin to do the job, we will put the official on notice by way of a warning letter to adjust the hours worked to achieve compliance.

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ❑

The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may be directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. **Address changes or subscription questions should be directed to the DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.**

CONFLICT OF INTEREST: OPEN PERMITS

Licensed officials should be aware of the pitfalls of the "open permit" problem. This situation arises when a licensed official who has an ongoing construction-related business assumes a position in a municipal enforcing agency located in the area where his or her business is conducted. Invariably, such an individual will have open permits either in the municipality in which he or she is to be employed or in an adjacent municipality. If the official completes these projects after becoming an employee of the enforcing agency, he or she is in violation of the conflict of interest regulation of the Uniform Construction Code.

The open permit problem can be dealt with in two ways:

1. The official can transfer the open projects to another contractor by filing a Notice of Permit Update with the appropriate enforcing agency. If these transferred projects are in the municipality where the official is to be employed, he or she should refrain from all future code enforcement related to these projects.
2. The official can see that all outstanding projects which have the potential for conflict are completed before assuming the municipal position.

Licensed officials can avoid problems by following these procedures. If there are any questions about a particular course of action related to this issue, licensed officials are urged to contact the Bureau of Regulatory Affairs for guidance.

Source: Robert Hilzer
Bureau of Regulatory Affairs ❑

R-11 OR R-30?

We code officials are engaged in enforcing and administering professional building regulations for the protection of public health, safety, and welfare. It is our responsibility to enforce the construction requirements for fire safety, structural integrity, sanitation, and durability. Because we are so preoccupied with these major issues, we sometimes give less attention than we should to regulations such as the BOCA National Energy Conservation Code/1990.

The Energy Subcode Committee has developed an excellent manual which contains illustrations of prototypical designs, example calculations, a checklist and applications to be copied, all of which help clarify the energy code. To further clarify its use, you may attend training seminars where you will receive a copy of the manual, or you may order the manual and application form for $6.00 from the DCA Publication Unit [see page 10].

Source: Pat J. Intindola
Energy Subcode Committee Member ❑

HOW OPEN IS A PUBLIC RECORD?

A. With certain unrelated exceptions, any record required by law to be made, maintained, or filed by any public agency or official is a public record (NJSA 47:1A-2).

B. The construction official is the custodian of construction-related records in a municipality. File copies of all documents (including plans) in connection with building operations "shall be retained" in the official records (NJAC 5:23-4.5).

C. The files and records of the municipal enforcing agency "shall be open" to . . . public inspection during normal business hours (NJAC 5:23-4.5(a)3).

A+B+C = Construction office records have to be made available to members of the public for review. Upon request, copies of documents must be made (fees can be set by the municipality, or by NJSA 47:1A-2). Public documents include plans, which are part of the public record. Reasonable arrangements must be made by the construction office when these situations arise to provide the records desired by the individual or individuals requesting copies.

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ❑

ELECTRICAL AND PLUMBING CONTRACTORS

The State Board of Examiners of Electrical Contractors and the State Board of Examiners of Master Plumbers would like to alert electrical and plumbing inspectors to insist on seeing a current contractor ID. For plumbing contractors, the current biennial licensing period ends on June 30, 1991. The new ID card will be issued for July 1, 1991 to June 30, 1993. For electrical contractors, the triennial licensing period is from April 1, 1991 through March 31, 1994.

If you have questions concerning a contractor or the validity of a license, please call the Board of Examiners of Master Plumbers at 201/648-3310, or the State Board of Examiners of Electrical Contractors at 201/648-2058.

Source: Christine T. DeGregorio
Executive Director,
Board of Examiners of Electrical Contractors and
State Board of Examiners of Master Plumbers ❑

ENERGY SUBCODE COMPLIANCE MANUALS AVAILABLE

Thanks to outstanding effort on the part of the Energy Subcode Committee, the new Energy Subcode Compliance Manual and separate Application Form are now available. These manuals are given out at the Energy Training Seminars conducted by the Education Unit of this Department, or you may send a check for $6.00 made payable to Treasurer, State of New Jersey, to:

DCA Publication Unit
Attn: Cecilia Heredia
CN 816
Trenton, NJ 08625-0816

You must include a note requesting the Energy Compliance manuals and a mailing address.

Source: William Hartz
Chief, Bureau of Technical Services ❑

NEW JERSEY RADON HAZARD SUBCODE, CHAPTER 10

Alert! Two TRAINING opportunities to learn about the Radon Hazard Subcode remain for the summer. If you haven't already signed up, there are spaces available on Friday, July 12, and Thursday, August 9. Classes are held at the Eastern Regional Radon Training Center on the Kilmer Campus of Rutgers University in Piscataway. Please call the Education Unit 609/530-8798 and request seminar A075 if you would like to reserve a space.

Originally this seminar was open only to construction officials working in municipalities located in a Tier One zone. Now other licensed officials are invited to attend, including subcode officials. This is an opportunity to receive detailed training in the provisions of this subcode, with particular emphasis on the recognition of proper implementation and installation. Please call for a reservation.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❑

VOUCHER SNAPSHOTS

You've been a working official in a town for many years and you are ready to retire. The town has been more than pleased with your performance and asks you the favor of coming in from retirement for just a few hours a week to help out. They'll pay you by voucher so as not to interfere with your pension benefits. You are flattered, pleased with the prospect of a little extra income, and you agree.

You have now become an illegal private on-site agency subject to punitive action by the Department.

The official from a municipality approaches you with a request to give a few hours a week of your time. There's a civil service list for the job, but he doesn't like the guy who's number one on the list. You need the work, so you agree to work on a voucher basis. That way, it won't show up on the books as an appointment.

You have now become an illegal private on-site agency subject to punitive action by the Department.

A subcode official in a town is quitting. The governing body needs to hire someone, but they don't want to commit to a four-year appointment (the town is non-civil service). You are asked to come in for a while on a trial basis. They will pay you by voucher on a professional services basis until such time as they want you permanently. You agree.

You have now become an illegal private on-site agency subject to punitive action by the Department.

The common thread in these "snapshots" is the system of payment by voucher. When proposed, this should alert you to a potential problem.

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ❑

NEW JERSEY REGISTER ADOPTIONS AFTER 2/19/91

DATE	ADOPTION
3/4/91	23NJR 777 Public notice: Adoption of 1991 supplements to the 1990 BOCA National Building and Mechanical Codes (effective 3/4/91).
4/1/91	23NJR 1028(b) Certificate of Occupancy Requirements Adopted Amendment: NJAC 5:23-2.23 (effective 4/1/91). 23NJR 1029(a) Fees Adopted Amendments: NJAC 5:23-4.19, 4.20, 4.21, 4.22, 4A.12, 5.21, 5.22, 8.6, 8.10, 8.18, and 8.19 (effective 4/1/91).
4/15/91	23NJR 1127(b) Barrier-Free Subcode Platform Lifts Adopted Amendments: NJAC 5:23-7.18 (adopted 3/19/91, effective 4/15/91).
5/6/91	23NJR 1465(a) Public notice of Annual Code Change hearing on June 14, 1991, 9:30 am, 3131 Princeton Pike, Lawrenceville, Building 3.
5/20/91	23NJR 1706(b) Public notice: Adoption of 1990 and 1991 amendments to the CABO One and Two Family Dwelling Code/1989 and the 1991 Supplement to th National Standard Plumbing Code/1990 (effective 5/20/91).

Source: Maria Roth
Code Specialist ❑

LOCAL GOVERNMENT ETHICS LAW

On February 20, 1991, Governor Florio signed into law PL 1991, c.29, the Local Government Ethics Law. Among the local government officers and employees whom it affects are the construction and subcode officials, fire officials, and inspectors who enforce the construction and fire codes.

Counties and municipalities may establish their own codes of ethics and ethics boards or may, by default, leave those functions to the Local Finance Board of DCA's Division of Local Government Services. All local government officers and employees subject to the ethics jurisdiction of the Local Finance Board are required to comply with the following provisions that are relevant to code enforcement personnel:

1. No local government officer or employee or member of his or her immediate family (spouse or dependent child residing in the same house) shall have an interest in a business organization, or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest;

2. No local government officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself/herself or others;

3. No local government officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or a business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment;

4. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties;

5. No local government officer or employee, member of his or her immediate family, or business organization in which he or she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties;

6. No local government officer or employee shall use, or allow to be used, his or her public office or employment, or any information not generally available to the members of the public, which he or she receives or acquires in the course of and by reason of his or her office or employment, for the purpose of securing financial gain for himself/herself, any member of his or her immediate family, or any business organization with which he or she is associated;

7. No local government officer or employee or business organization in which he or she has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he or she serves — with an exclusion being made for official labor union responsibilities.

In addition, local government officers [those who are managerial executives or confidential employees as defined in the New Jersey Employer-Employee Relations Act (see NJSA 34:13A-3)], as opposed to employees, are required to file annual financial disclosure statements, identifying all sources of income in excess of $2,000 received by the officer or a member of his or her immediate family during the preceding calendar year. Exceptions are made for publicly traded securities and individual client fees or commissions received through a business organization. A person who is a "managerial executive" for purposes of the New Jersey Employer-Employee Relations Act, PL 1941, c.100 (NJSA 34:13A-3) is subject to this requirement.

A local government officer or employee who is found by the Local Finance Board or a local ethics board, as the case may be, to have violated the requirements of the statute, or of any local ethics code, is subject to a civil penalty of not less than $100 or more than $500 and to removal, suspension, demotion, or other disciplinary action by the officer or agency having the power of removal or discipline. Hearings before the Local Finance Board or a local ethics board under the Act are to be conducted in accordance with the rules and procedures provided for hearings by a State agency under the Administrative Procedure Act.

Source: Michael Ticktin
Chief, Legislative Analysis
Department of Community Affairs ❑

MOST ACTIVE MUNICIPALITIES

The towns most active in terms of new construction are listed below by county. This list is based on information reported by municipalities to DCA as of May 7, 1991.

Atlantic	Egg Harbor Twp.	Middlesex	Edison
Bergen	Haworth	Monmouth	Tinton Falls
Burlington	Shamong	Morris	Parsippany-Troy Hills
Camden	Winslow	Ocean	Brick
Cape May	Lower Twp.	Passaic	Wayne
Cumberland	Vineland	Salem	Carneys Point
Essex	East Orange	Somerset	Bridgewater
Gloucester	Harrison	Sussex	Vernon
Hudson	Kearny	Union	Union Twp.
Hunterdon	Raritan	Warren	Independence
Mercer	Hamilton		

Source: Larry Wolford
Bureau of Regulatory Affairs ❑

Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

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"WHO'S THE BOSS?"
The J. P. Properties Decision

At least once or twice a week, I talk with someone, either a municipal government official or a DCA licensed official, about a court case called J. P. Properties, Inc., v. Macy, 183 NJ Super 572 (Law Div. 1982). This discussion occurs when the question arises of "who monitors the activities of employees of the code enforcement office." This article is intended to answer some questions on the subject of that case, the licensed official's dual status as both an employee of a municipality and a licensee of the DCA.

What does a reasonable construction official do when the mayor, town manager, or other municipal official "orders" issuance, for example, of a permit, but the UCC prohibits suance because of a missing prior approval or some other problem?

I'm not surprised by the amount of apparent confusion on this issue. The licensed official working for a municipality wears two hats (often more than two!). He (hereafter used in the generic for editorial convenience, ladies) is a paid employee of the municipality and answerable only to his municipal employer for certain actions. And he is a licensee answerable only to the DCA for other kinds of actions.

On different occasions, mayors have told me, "I'm calling you because he said only DCA can investigate me (alleged misuse of a town car)"; or "he is arrogant and rude to the people who come in for permits and we can't do anything about it." Or, on the other hand, the code official will complain: "the mayor called me on the carpet for issuing this permit, and I think they're trying to fire me"; and "I didn't issue the permit because I didn't have a zoning sign-off, and I just got a reprimand from the town administrator."

These examples are backwards. That is, they show the municipality going outside its authority to "enforce" the Code — a DCA prerogative — and backing off from investigation of matters involving employee behaviors that are within its prerogative because it thinks only the DCA can do it.

The J. P. Properties decision provides some guidelines to censed officials and their employers about the placement of that grey line between employer and licensing authority. The dispute that ended up in court revolved around a township's attempt to issue a stop work order independent of the appointed construction official. The township also attempted to bring charges against the construction official for UCC- (and some non-UCC-) related activities.

The court decision actually divided the charges between two categories: those over which the townhip manager had no jurisdiction ("DCA-only"), and those over which the township manager had jurisdiction.

Some examples of the "DCA-only jurisdiction" charges are:

Authorizing construction without a zoning or construction permit;
Negligent failure to require proper foundation anchorage;
Failure to notify any other official or employee of the township of the receipt of plans and fees;
Failure to enforce the Soil Erosion Act;

(continued on next page)

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Issuing a permit without proof that water and sewer permits were obtained.

Some examples of the "township jurisdiction" charges are:

Failure to safeguard plans and checks;
Harassment of a township official and employee;
Failure to cooperate with municipal officers and employees;
Zoning matters.

The Department has exclusive jurisdiction to investigate matters dealing with code enforcement in a municipality, and, as you know, uses Regulatory Affairs staff to do so. The municipality as well, although it must refer code enforcement problems to the Department, has some control over code officials. Code officials are also employees of the municipality. In their status as employees, they are subject to the requirements of an ordinary employer-employee relationship. Municipal government cannot dictate to employees of the code enforcement office on issues of permits, certificates of occupancy, or other Uniform Construction Code matters. When there is a question or controversy about a UCC issue, the Department can be called, and we will try to answer questions, resolve the issue, or, if the problem merits, open an investigative case.

Municipal government can and should, however, deal with all other issues over which the Department has no jurisdiction. Misuse of municipal property, persistent absence or lateness, poor dealings with the public, etc., are a very few examples of the types of employee behavior that should not be tolerated by any employer.

The Department will look into code enforcement issues when they arise. The municipality should look into non-code enforcement issues when they arise.

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ❑

NJIT PROGRAM: REHABILITATIVE ENGINEERING

New Jersey Institute of Technology (NJIT) has established a certificate program in Rehabilitation Engineering Technology. The two-year program trains graduates to use technology to improve the lives of disabled persons. It includes internships working with disabled clients at rehabilitation facilities.

NJIT was recently awarded a grant by the US Department of Education to assist with the program. The grant pays full tuition and expenses, plus a small stipend, for ten students per year. NJIT is now accepting applications, in particular from disabled individuals. For further information on the program, please contact Dr. Frank Dolan at 201/596-5673.

Source: Frank Dolan
New Jersey Institute of Technology ❑

ELEVATOR SAFETY PROGRAM- REGISTRATION OF ELEVATOR DEVICES

The latest addition to the Uniform Construction Code is Subchapter 12, entitled "Elevator Safety Subcode." The regulations appeared as a proposal in the *New Jersey Register* of March 18, 1991. A public hearing took place on April 17, 1991, and the final adoption notice of these regulations appeared in the *New Jersey Register* of July 1, 1991, becoming effective on the same day.

Section 12.4, entitled "Registration of Elevator Devices," stipulates the requirements for registration, which are appended below:

1. The owner of every existing structure containing one or more elevator devices, other than a structure in Use Groups R-3 or R-4, shall register each elevator device with the Department on or before July 1, 1992.
2. For the purpose of registration of elevator devices, the owner shall use the form prescribed by the Department.
3. The registration form shall include the following information:
   a. The identification or code number for each individual device;
   b. The name of the device's owner or the owner's representative;
   c. The mailing address and phone number of the person listed in 3(b) above;
   d. The street address of the building or structure, including lot and block number, where the device is located;
   e. The type of device;
   f. The vertical travel of the device in number of feet and stories, or horizontal feet of travel of the walk or other device;
   g. The rating load of the device in pounds;
   h. The occupancy load in number of persons;
   i. The speed of the elevator in feet per minute;
   j. The manufacturer of the device;
   k. The date of installation, if known, and date of last inspection performed; and
   l. Special devices, such as (but not limited to) oil buffers, counter-weights, governors and safeties, and auxiliary power generators.

Soon the Department will mail the Notice of Application of Registration to owners of existing structures for which the information has already been collected from the data available with the Bureaus of Fire Safety and Housing Inspection. The

Department will use other sources to collect the information pertaining to buildings with elevator devices, and will then mail the application of registration accordingly.

After the information has been collected and is considered complete for the participating municipality, we will forward this to the construction official. We will request the construction official to review this information and compare it with his or her records, and then add/modify our list in order for us to have an updated list to be used for registration purposes.

The fee for registration has been set at $50.00 for each elevator device (reference 12.5).

Source: Paul Sachdeva
Manager, Elevator Safety Unit ❑

HOW TO GET AN ELEVATOR INSPECTOR LICENSE

Beginning July 1, 1991, the Elevator Inspector-HHS (specialist in high-rise and hazardous structures) and the Elevator Subcode Official licenses became available in the State of New Jersey, and will be required by July 1, 1992 in order to assume elevator construction code enforcement responsibilities.

Three requirements are necessary for the Elevator Inspector HHS license:

1. Experience relevant to the Elevator Subcode;
2. An approved Elevator Inspector-HHS course or its acceptable equivalent as determined by the Department; and
3. Test module 6B of the National Certification Program for Construction Code Enforcement Inspectors.

Exceptions to the course requirement, and a waiver or reduction of the usual number of years of experience ordinarily required for licensure will depend on an applicant's possession of either a relevant college degree or licensure or registration as a New Jersey professional engineer or architect.

Upon receipt of the license application and fee, a provisional Elevator Inspector-HHS license will be temporarily granted to persons certified as an Elevator Inspector by the New Jersey Department of Personnel prior to July 1, 1991, and currently employed in this certified title. These persons will, however, be required to successfully complete the approved Elevator Inspector-HHS course and test module 6B within two years of the date of provisional licensure.

To qualify for the Elevator Subcode Official license, the applicant must first possess or qualify for the Elevator Inspector-HHS license, and substantiate additional years of relevant experience. The number of additional years of experience required will depend on possession of a relevant college degree or licensure or registration as a New Jersey professional engineer or architect.

In conclusion, it should be noted that all experience required for these licenses must be clearly related to the Elevator Subcode, specifically, elevator construction, design, repair, and/or inspections.

Anyone interested in obtaining an application and complete details concerning the Elevator Inspector-HHS and Elevator Subcode Official licenses should call 609/530-8803, or write to:

Licensing Unit
Bureau of Technical Services
CN-816, Trenton, New Jersey 08625.

Source: Frank L. Salamandra
Supervisor, Licensing Unit
Bureau of Technical Services ❑

ELEVATOR SUBCODE COURSE AND TEST INFORMATION

National Certification Test Dates - Test Module 6B

Test Date	Registration Deadline
November 23, 1991	October 18, 1991
April 25, 1992	March 20, 1992

Call Educational Testing Service for more information: 609/921-9000.

Elevator Course

The following colleges have been approved to offer the 90-hour Elevator Inspector HHS course:

College	Contact Person	Phone	Expected Start Date
Raritan Valley	Charles Speierl	908/526-1200	10/91
Essex (W. Essex Campus)	Carl Weininger	201/228-3968	10/91
Mercer	Marga Dillow	609/586-9446	10/91
Middlesex	Linda Lederer	908/417-0690	10/91
Brookdale	Maureen Sherman	908/842-1900	1/92

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❑

ELEVATOR SUBCODE AND STANDARD FORMS

The adoption of the Elevator Subcode makes it necessary to revise the UCC Standard Forms. This article gives you advance notice to help you make intelligent decisions when ordering forms.

The following forms will be changed because of the addition of the Elevator Subcode:

Form Number	Title
F100A	Construction Permit Application (file)
F110A*	Building Subcode Technical Section
F150*	Create a New Elevator Subcode Technical Section
F160A	Application for a Variation
F170A*	Construction Permit
F180A	Construction Permit Notice (placard)
F190A*	Permit Update
F225	Create an Approval Sticker for Elevators
F230A	Not Approved Sticker
F260A*	Certificate
F270A	Application for Certificate
L700A*	Permit Fee Log
L720A*	Certificate Log
R811A*	Monthly Activity Report Certificates
R812A*	Monthly Activity Report Permits

The following forms **may** be changed:

Form Number	Title
F300A	Ongoing Inspection Schedule
F310A	Elevator Inspection
F320A	Elevator Notice
L730A	Ongoing Inspection Log

Municipalities using UCCARS System II will receive a new program prior to July 1, 1992, which will print the new standard forms indicated with an asterisk (*).

Our goal is to provide new mechanical and printing instructions to all municipalities by May 1992. More information will appear in the next edition of the *Communicator*.

Source: William Hartz
Chief, Bureau of Technical Services ❑

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Department of Government Services at Rutgers, the State University. Editor: Hilary Bruce. Address changes, subscription requests, comments, and suggestions may be directed to the **DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.**

CONSTRUCTION PERMITS FOR RADON MITIGATION SYSTEMS

In general, the installation of a radon mitigation system in a structure requires a construction permit. If, however, the work consists only of sealing the structure's envelope, in most cases this is considered an ordinary repair and does not require a construction permit. "Sealing the envelope" includes sealing control joints, perimeter slab-wall joints, penetrations, and cracks, among others.

In addition, most radon mitigation retrofit work in low-rise (three or fewer stories) residential construction falls into the "minor work" category. Since a construction permit is not required before minor work may proceed, delays in initiating the installation of radon mitigation systems and devices in those instances will be nonexistent. Included in this category are soil gas vent system installation, incidental electrical work, and any other related radon mitigation equipment and materials.

In other than low-rise residential structures, the complexity and possible impact on fire/life safety may necessitate a review of radon mitigation systems prior to initiation of the work. Prior review may be required in any retrofit work where there is a question about the safety or integrity of a structure or welfare of the occupants. Construction techniques and a delineation of each subcode official's responsibility for plan review and inspection of these radon construction techniques in new Use Group E or R structures is contained in the Radon Mitigation Subcode. This, along with New Jersey Department of Environmental Protection (NJDEP) requirements should be used, at this time, as a guide for retrofit radon mitigation system installations. In addition, as of May 13, 1991, all radon testing and mitigation contractors must be certified pursuant to NJDEP's "Certification of Radon Testers and Mitigators" rules (NJAC 7:28-27) which provides assurance that quality radon testing and mitigation and safeguard services will be provided to the public.

To further assist construction officials and as part of the second year US Environmental Protection Agency (EPA) State Indoor Radon Grant, the NJDEP has proposed a training course for municipal construction officials on inspection of radon mitigation system installations. The training will cover system design and installation plan review and inspection protocols. In conjunction with the current EPA-supported radon subcode training being offered to construction officials, this training will result in the development of a uniform set of guidelines for radon construction work.

In the interim, assistance regarding construction permits for radon mitigation system installations may be obtained from the CCE's Code Assistance Unit by calling 609/530-8793.

Source: Mitch Malec
Supervisor, Technical Policy
Division of Codes and Standards ❑

BURGLAR AND FIRE ALARM INSTALLATIONS

It has recently been brought to our attention that some burglar and fire alarm installations are being completed without construction permits and that some, even with construction permits, are not in conformance with code requirements.

In accordance with NJAC 5:23-2.17(c)4, the installation of any fire detection or suppression system or device in any one- or two-family home, and the installation of a burglar alarm, security, or low voltage communication system in any structure is minor work. As an example, when a burglar alarm system is being installed, a construction permit (minor work) must be issued and inspection (based upon what is visible at the time) performed. As another example, when a fire alarm system is being installed in an existing building due to fire safety requirements, a construction permit is required and inspections need to be performed. In this example, since the installation is mandated by the Fire Safety Code, it shall be made to conform only to that code and shall not be required to conform to the subcode adopted pursuant to the UCC unless the code requiring the alteration so provides (see NJAC 5:23-2.4(a)7, DCA Bulletin No. 90-8, and the "Alterations Mandated by Other Codes" article in the Winter 1990 *Construction Code Communicator*.)

Note that any alterations, additions or changes in or to buildings and structures required by the provisions of the Fire Safety Code which are within the scope of the Uniform Construction Code shall be made in accordance therewith, unless specifically provided otherwise by the Fire Safety Code. Therefore, construction variation requests remain the responsibility of the construction enforcing agency having jurisdiction. Reminder: Pursuant to NJAC 5:23-4.5(g)2, in the course of enforcing the regulations, the fire protection subcode official shall cooperate as much as possible with the local fire service, which is the local fire department or district having jurisdiction.

Code officials having construction enforcement jurisdiction of burglar and fire alarm installations should continue to confirm that only approved fixtures, appurtenances, materials, and methods are being used. As an example, devices listed for "household" use should not be used in commercial structures. In addition, all required tests shall be made and conducted under the direction of the enforcing agency in accordance with any procedures prescribed in the regulations, and all test expenses will be borne by the owner or lessee, or the contractor performing the work.

Please direct questions relating to this article to the Bureau of Technical Service's Code Assistance Unit at 609/530-8793.

Source: Mitch Malec
Supervisor, Technical Policy
Division of Codes and Standards ❑

INDUSTRIALIZED BUILDINGS

This is the conclusion of the article relating to "Industrialized Buildings — New and Revised Regulations," which appeared in the Winter 1990 *Construction Code Communicator*. This article addresses the various issues involved in the Reciprocity Program mentioned in the earlier article.

The State of New Jersey joined the Council of States on Industrialized Housing and Buildings and became party to an agreement which facilitated reciprocity with the member states and became effective July 1, 1990. Reciprocity means that any unit manufactured in and approved by one of the member states will be deemed to be approved for installation in the State of New Jersey. Approval under the reciprocity program shall be evidenced by a New Jersey insignia of certification in addition to the insignia of the state of manufacture. Currently, Florida, Georgia, South Carolina, Indiana, Alabama, and Pennsylvania are the participating members of the Council.

The units manufactured in the participating states must be built to the respective standards of the states, but certain items (known as non-negotiable items) are unique to each state, because of the intended geographic location of the unit(s) and/or because of the code enforcement criteria. We have established the following non-negotiable items which require conformance to the New Jersey Uniform Construction Code in order for the unit(s) to be acceptable for installation in New Jersey:

Earthquake loads
Wind loads
Snow loads
New Jersey Barrier Free Subcode requirements
Fire Safety Provisions: BOCA Section 1002 and Article 9 - Table 905.2

Energy calculations are to be based on 5500 degree days (heating). Construction officials are required to verify and confirm the validity of the non-negotiable items.

The above relates only to the factory-built portions of the industrialized/modular building. All other aspects relating to the documentation, on-site construction, data plate, inspections, and plan review responsibilities of the local enforcing agencies are identical to the procedures outlined in the earlier article.

Source: Paul Sachdeva
Manager, Industrialized Buildings Unit ❑

UCCARS SYSTEM OVERVIEW

The Uniform Construction Code Activity Reporting System is now being used in over 280 municipalities. Even with that extensive use, we still get many calls asking what System I or System II will do. Below is a brief overview of the capabilities of the two systems. For more detailed information, call William Hartz or Susan McLaughlin at 609/530-8798.

UCCARS System I Overview

Objectives

Eases the paperwork burden in code enforcement offices
Replaces the physical set of books
Automatically generates all UCC monthly reports
Produces audit trail
Reconciles all fee payments
Sends monthly reports to DCA directly over telephone line
Searches and queries details of any permit

Data Contents

All information needed for monthly reports and fee payment audit reports
Keyboard entry is kept to a minimum

Functions

Enter data:
- Permit data
- Certificate data
- Payments/adjustments
- Automatic sequence number checking

Display data:
- Enter search criteria
- Select from matching entries
- Display permit, certificate, payment summary

Print reports:
- Permit Fee Log
- Certificate Fee Log
- Monthly Municipal Activity Report - Permits
- Monthly Municipal Activity Report - Certificates
- Federal Census Report
- Quarterly DCA Training Fee Report
- Cash Receipts Audit Report

Other:
- Send data to DCA via modem
- Change program setup
- Back up system databases

Expandability:
- Fully upgradable to System II
- Compatible with System II inspection modules

UCCARS System II Overview

Basic Design Criteria

Look and feel of System I
Compatibility with System I data

Data Contents

Worksite identification
Technical subcodes
Certificate applications
Payments and adjustments
Contractor information
Block/lot file

Functions

Enter or update data:
- Permit data - CPA and subcodes
- Automatically assigns permit numbers
- Automatically calculates fees
- Issues and prints certificates
- Information on contractors
- Block/lot file - can use Tax Assessor's data
- Payments and adjustments

Display data:
- Enter search criteria
- Select from matching entries (multiple pages)
- Display site ID, subcodes, certificate applications, fee summary
- Next/prior permit
- Update permit data from display screen

Print reports:
- All System I reports
- Details of specific permit (sitr id, subcodes)
  - Select by item in CPA Part IV
- Query permit database
- Tax Assessor report
- List of open TCOs
- List of contractors by subcode
- Printout of specific contractor
- All permits for specific contractor
- Contractor warning list

Other:
- Send data to DCA via modem
- Change program setup
- Modify fee schedules
- Back up system databases

Source: William Hartz
Chief, Bureau of Technical Services ❑

USING UCCARS

Occasionally, we get calls indicating that the UCCARS reports are not working right. The reported problems are not with the content, but rather with the format. It seems that when two or more pages are printed out, so the complaints go, the report prints across the page break rather than lining up on each physical page.

The problem, of course, is that the incorrect printer paper is being used in these situations. All UCCARS reports are designed to fit nicely onto an 8.5" x 11" sheet of paper, turned sideways (the long edge should be horizontal). Some offices are using 11" x 14" paper and encounter the above problem. The proper designation of the printer paper you should be using for UCCARS is 12" x 8.5" continuous-form paper.

By the way, all System II reports are also printed in this same format. Even the Permits, Certificates, and Technical Sections are printed on 12" x 8.5" blank continuous-form paper. The only difference is that in System II you generally need more than a single copy to work with, in which case both three-part and four-part carbonless printer paper are available.

Those of you who adhered to DCA's equipment recommendations and bought an Epson LQ-1050 printer will be glad you did when you upgrade to System II and begin using multi-part paper. The LQ-1050 is designed to readily handle the thickness of four-part forms. When you use four-part paper, don't forget to adjust the paper thickness lever on the left of the printer to setting 6 or 7.

For those of you who are not using the correct printer, now may be a good time to begin. Epson just recently announced a model change. They've redesigned the LQ-1050 to include several new features, and now call it the LQ-1170. We've tested the LQ-1170 and have found it to be compatible to the LQ-1050 and to UCCARS.

One improvement they've made is in its speed — top speed now is 413 characters per second. Epson also has increased the number of built-in fonts from three to ten and has provided front panel selection for them. The number of paper feed paths has been increased to three, including the ability to feed both continuous and single sheets from the front of the printer.

But your LQ-1050 is far from obsolete. You can plug in a cartridge to give it an additional seven print fonts; you can add a sheet feeder for loading up to 150 sheets at a time; and you can use carbon-film ribbons for extremely crisp character formation.

Source: Stan Kosciuk
President, Municipal Information Systems ❑

WHATEVER HAPPENED TO THE ENERGY CODE?

The energy code is a gem that has sort of lost its luster over the years, like the diamond that turned to coal. It burst on the scene during the 1970s, but since then has kind of burned out. Part of the reason is that the symptoms of the oil embargo no longer exist — we no longer have to wait an hour in line to buy gas, and we have become used to paying over $1.00 per gallon.

Though the availability of natural resources is still a concern, other environmental issues have also come to light. You've all heard about this greenhouse-acid-rain-global-warming effect that is in the paper every other day. Whether or not you believe these effects will eventually make winter trips to Florida obsolete (first because the polar ice cap will melt and Florida will be under water, and second, because global warming will cause New Jersey's average temperature to be 120° in the winter), I think you will agree using less energy creates less pollution and saves money.

Well, any construction technique that saves a building owner money should be an easy sell to the building owner, right? Wrong!

That's where the code official comes in...or is it? Lately, there hasn't been much interest in the energy code. The last set of seminars on energy got a cold reception (classes were less than half full) and the new energy manuals are purchased four times as fast by designers as code officials. Because of this we have been thinking of ways to stimulate interest in the energy code. Here are the top three:

3. Stop writing articles like this one that irritate code officials.

2. In future newsletters, insert cleverly concealed subliminal messages.

1. Tell code officials that architects and engineers hate to submit energy calculations.

...Okay, we **are** pretty desperate for ideas. While most code provisions deal with life safety issues that have an immediate life safety value, the energy code is a provision that won't save a life tomorrow but could save many lives 100 years from now. I know it requires some long-sightedness, but please help us make the question, "Whatever happened to the energy code?" ancient history.

Source: Michael E. Baier
Code Assistance Unit ❑

[Note: To order the Energy Compliance Manual, send a check for $6.00 made payable to Treasurer, State of New Jersey, along with a note requesting the Energy Compliance Manual, to **DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.** Within 10 days you will be mailed the manual and the Energy Subcode Application Form.]

WHAT IS A CEU?

The following is a reprint of the question and answer list that DCA sends to newly licensed inspectors. It answers the most commonly asked questions about the Construction Code Enforcement Continuing Education Program.

Construction Code Enforcement
Continuing Education Program

Q.: What is it?

A.: The continuing education program consists of one- and two-day seminars sponsored by the Department of Community Affairs and Rutgers University. The seminars are offered free to all licensed inspectors, subcode officials, and construction officials.

Q.: When is the program given?

A.: Seminars are grouped into two semesters: the spring semester is from March through July, and the fall semester is from September through December. Seminars run from 8am to 5pm during weekdays and occasional Saturdays.

Q.: Where are the seminars held?

A.: These seminars are held at various locations throughout the state.

Q.: What subjects are discussed?

A.: There are two basic categories of seminars, technical and administrative. Technical seminars deal with code-related items in all subcode areas. Administrative seminars are more general in nature and may deal with anything from "Effective Report Writing" to "Preparing for Court."

Q.: How many seminars do I have to take?

A.: This depends on the number of licenses you hold. For example: Inspector only: two technical seminars in two years. Inspector and Subcode Official: two technical and one administrative seminar in two years. Inspector, Subcode and Construction Official: two technical and two administrative seminars in two years.

Q.: How will I find out about available seminars?

A.: Approximately six weeks before the beginning of each semester, you will receive a complete listing of all seminars being offered that semester. This brochure is sent to you from Rutgers University.

Q.: May I attend more than the required number of seminars?

A.: Yes. The seminars are offered to assist you in the performance of your job. You may take as many as you want, but we ask on your initial call to register that you select only two to give everyone an equal opportunity. Please wait a few weeks and call again to sign up for additional seminars. All seminars will be deleted from your record at license renewal time (every two years). No seminar may be carried into the next license period, even if you have taken more seminars than were necessary for renewal.

Q.: Who keeps a record of the seminars I take?

A.: You should keep your own record of the seminars you have attended; to help you in record-keeping, you will receive a certificate for each seminar you complete. We also keep a record, and we will send you a transcript each February and August. When you receive the transcript, if you find that our records do not agree, you should contact this office immediately. After the renewal of your license, your transcript will show 0.0 CEUs earned since all seminars are deleted from the record after each renewal.

Q.: What credit will I receive for attending seminars?

A.: Upon successful completion of a seminar you will receive a certificate, and Rutgers University will award CEUs. CEUs are continuing education units that are recognized nationally. One CEU is awarded for every ten hours of continuing education.

Q.: What happens if I don't attend the seminars?

A.: Those who do not satisfy the continuing education requirement will not have their license(s) renewed.

Source: Larry Wells
Education Unit
Bureau of Technical Services ❑

FILE PURGING AND STORAGE (NO KIDDING)

Many local enforcing agencies have an acute shortage of file space. If your agency follows these suggestions, however, you may find yourself blessed with (almost) infinite capacity.

Before we begin, let us stress the need for actively following up on open permits (the eternal stepchild process in most enforcing agencies). This is the key to adequate file space.

The UCC states that all files must be in block and lot order (NJAC 5:23-4.5(a)), but this would mix all files whether open or closed. An optional system for separating open from closed files is to place **open** files in permit number order in one set of drawers, while keeping **closed** permits in the required block and lot order in separate drawers. This will no doubt necessitate reviewing the status of all files without a certificate (sheet by sheet). To make it easier, arm yourself with a felt-tip pen. If the job file is closed, place a mark on the top right corner of the Construction Permit Application jacket and purge as below. If the file is open, check which inspections are lacking and document this on the front of jacket with the colored pen, then place in permit number order. Follow up with the oldest permits first and work towards the most recent.

Purge as follows:

1. Keep only one set of the most current plans (discard others).
2. Keep only one site plan (the one with zoning approval signed off).
3. Keep only the office copy of each technical section (being sure to annotate all inspections and plan reviews on that copy of the technical section for each subcode). If there are Inspection Notice (F-200) sheets in the file, transcribe these inspections onto respective technical sections and discard the F-200s. Make all inspection notations on back of technical sections where necessary, using the date of inspection as the link from front to back with the new style technical sections. Also, keep only one copy of the Construction Permit (F-170A), one copy of Certificate (F-260A) and related updates (F-190A), and one copy of any other documents deemed significant to the job.
4. Photographs can be discarded after contractor's affidavits of approval are procured or respective subcode inspectors have approved work.
5. Add permit numbers with block and lot numbers on each jacket tab.

Note: Item 3 above is the key to efficient record-keeping.

Keep closed job files in block/lot files for the last five years and place older job files (purged of extraneous documents) in dead file storage in block and lot order.

Refer to NJAC 5:23-9.5 for records retention. Please note that Class I and II plans are required to be retained for the life of the structure; including Class III plans as well allows you an extra measure of future security.

Source: Philip van Leeuwen
Bureau of Regulatory Affairs ❑

PROTOTYPE PLAN REVIEW

Prototype plans are meant to be an efficient way for the code official to deal with projects in which the same designs are used repeatedly. Master plans must be complete when submitted, including reverse (or mirror) image and all design alternatives. Subsequent submittals shall consist of at least a plot plan which is signed and sealed by a registered architect or professional engineer, including utilities, floor plan, exterior elevation, and the prototype identification number. The construction official shall issue a permit for prototype plans for which a prototype permit has previously been issued, within three business days from application.

The builder benefits from prototype plan review by not having to constantly submit duplicate sets of plans; the buyer because of reduced permit cost; and the code official by more efficient plan review. But everything is not as it should be, and many code officials and builders are experiencing difficulty with prototype plan review. During the next month the Department will review all regulations concerning protoype plan review. If you would like to have input, I would welcome all comments, constructive criticisms, and suggestions. Please include your name, address, and phone number in case we have questions or would like to request additional input. Please submit your comments to my attention at:

Department of Community Affairs
CN 816
Trenton, NJ 08625

Source: William Hartz
Chief, Bureau of Technical Services ❑

SUBCHAPTER 8: ASBESTOS

The last issue of the *Construction Code Communicator* included an article on revisions to Subchapter 8. In June 1989, the Department convened the New Jersey Asbestos Review Committee. Composed of representatives of the asbestos abatement industry, the primary charge of the Committee was to draft a regulatory proposal for the abatement of asbestos in occupied buildings. In November 1990, the Committee submitted its formal proposal for Departmental review.

The proposed revisions to Subchapter 8 include a new section on abatement in occupied buildings. This section requires increased air monitoring, the establishment and maintenance of differential pressure, on-site reading of air samples with 10 percent of those samples re-analyzed in a laboratory, and stringent isolation requirements. This section also establishes a three-part contingency plan should air levels rise or differential pressure drop.

The procedure for abatement in occupied buildings spurred a general reorganization of Subchapter 8. All air monitoring requirements are now in one section, the duties of the Asbestos Safety Technician (AST) are in one section, and the requirements for the Asbestos Safety Control Monitor (ASCM) firms, including insurance requirements, are in one section.

The proposed amendments to Subchapter 8 will be submitted for publication in the *New Jersey Register* in the fall.

Source: Emily W. Templeton
Code Development Unit ❑

NEW JERSEY REGISTER ADOPTIONS

Date	Adoption
6/17/91	23NJR 1922(a) Public School Facilities Adopted Amendments: NJAC 5:23-3.11A and 4.2 (effective 6/17/91).
	23NJR 1923(a) Uniform Construction Code Licensing Adopted Amendments: NJAC 5:23-5.3, 5.15, 5.20, and 5.23 (effective 6/17/91).
7/1/91	23NJR 2044(a) Plumbing and Energy Subcodes Adopted Amendments: NJAC 5:23-3.15 and 3.18 (effective 7/1/91 except for NJAC 5:23-3.15(b)18i, which becomes operative 1/1/92).
	23NJR 2046(a) Elevator Safety Subcode Adopted New Rules: NJAC 5:23-12. Adopted Repeal and New Rule: NJAC 5:23-1.1, 1.4, 2.14, 2.23, 2.25, 3.4, 3.11, 3.14, 4.3, 4.5, 4.12, 4.13, 4.18, 4.20, 4.24, 5.1, 5.3, 5.5, 5.7, 5.20, and 5.23 (effective 7/1/91).
	23NJR 2061(a) Public Notice: Notice of Public Hearing, Elevator Safety Subcode Retroactive Requirements for Existing Elevators and Escalators held on August 8, 1991, at 3131 Princeton Pike, Lawrenceville, NJ.
8/19/91	23NJR 2500(d) Barrier-Free Recreational Standards Departmental Appeal Adopted Amendment: NJAC 5:23-2.38 (effective 8/19/91).
	23NJR 2501(a) Radon Hazard Subcode Adopted Amendments: NJAC 5:23-3.14, 3.18, 3.20, and 10.3 (effective 8/19/91).

Source: E. Maria Roth
Code Assistance Unit ❑

STATE & LOCAL GOVERNMENT CODES:
Strategies for Local Enforcement

The County and Municipal Government Study Commission has prepared a report on Strategies for Local Enforcement. The report deals with four main topics:

1. the Uniform Construction Code;
2. health codes;
3. housing codes; and
4. land use and development

If you are interested in ordering this report, send a check for $5.00, made payable to County and Municipal Government Study Commission, to:

County and Municipal Government Study Commission
Attention: Seth Benjamin
115 West State Street
Trenton, NJ 08625 ❑

VOUCHER SNAPSHOTS:
Reverse Prints

In the Summer 1991 *Communicator*, I wrote a short article pointing out, with some lack of subtlety, the problematic status of licensees being paid by voucher. The comments I have gotten since reveal another side to this situation. That is, I've been asked how vacations, illnesses, and other short absences should be handled. The following seems to be the most common situation:

An official is planning a two-week vacation. He or she has asked around and can find no one willing or able to do a "courtesy exchange" (you cover me and I'll cover you when needed). Someone, therefore, must be paid to provide the needed coverage. The municipality has agreed to pay, but it is impracticable to go through the formal process necessary to appoint the replacement official formally as a municipal employee for the time period in question.

NJAC 5:23-4.4(a)(6) permits a temporary appointment for a maximum of 20 business days without the notification and other processes associated with a regular appointment. The rationale for this provision in our rules seems to fit the above-described scenario to a T.

When a situation arises where a regular appointment is impracticable or inappropriate because of the short duration of the coverage needed (caused by replacement unavailability, time constraints, or illness), 5:23-4.4(a)(6) should be applied. That is, the Department will recognize (and not scrutinize from a "punitive" point of view) arrangements where a temporary appointment is made for a period not to exceed 20 business days, and payment is made to a substitute official by the voucher method.

Some general notes and suggestions in applying this process:

1. The simplest,and preferred, substitution arrangement continues to be the courtesy exchange method.
2. Construction officials coordinating substitutions should always keep in mind the plan review implications of license class. For example, if a Class I project is expected for plan review in a Class I enforcing agency, an ICS subcode official substituting for someone on vacation will cause the enforcing agency to be temporarily unable to review those plans.
3. Because of the reporting and financial requirements imposed on private on-site agencies, Regulatory Affairs must be notified when one of these is appointed for this purpose.

I do appreciate any comments received in response to *Communicator* articles, by the way. As has happened in this case, when the writer focuses on addressing a problem situation, she can miss other issues raised by the solution...Thanks.

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ❑

Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

Volume 3 Number 4 *Winter 1991*

Accessibility: ADA and Model Codes

Dedicating this issue of the Construction Code Communicator to accessibility issues is a timely and exciting idea. This is a critical time for accessibility issues. Because New Jersey has had comprehensive barrier free requirements for so long, it is tempting to assume that the rest of the country has also had a long-standing awareness of access requirements. However, this is not the case. New Jersey has been a regulatory pioneer in this field. Therefore, the Americans with Disabilities Act (ADA) does not represent a new regulatory world in New Jersey. It will represent a new regulatory world in some states; and, ultimately, it will provide general accessibility throughout the United States. Other articles in this newsletter address the history of the Barrier Free Subcode in New Jersey and the future of the ADA requirements in New Jersey. I will target my comments to the national model code process and accessibility issues, for the model codes are the most effective means of establishing consistent, technically reliable building requirements.

The issue of accessibility has been a unique issue for model building codes. Traditionally, model codes address issues that affect life safety. The model code process requires active participation by interested groups. Most of the participants represent groups that are substantially affected by code requirements. They propose changes and argue for the inclusion of new requirements and the elimination of others. Changes are made by democratic process; hearings are held, arguments are made, and votes are taken.

For most issues, this process works well, ensuring a balance of views is considered before requirements are incorporated in the code. In the case of accessibility issues, it worked less well. One reason for this is that accessibility issues were not clearly portrayed as necessary to ensure life safety. Another reason is that advocates for disabled persons have not been active participants in the code change process. Generally speaking, the advocates for the disabled population decided to pursue a different, but parallel, route. They approached their state legislators and supported state legislation which mandated access to public buildings. This was a very effective path to follow. In fact, that is how New Jersey became involved in accessibility requirements.

Now, the world of accessibility is changing. The federal government established accessibility as a matter of national public policy when President Bush signed the Americans with Disabilities Act into law on July 26, 1990. The enactment of this law was the culmination of the separate process for ensuring accessibility that centered on the legislative process, first of the states and, then, of Congress.

During this time of legislative advances, the model codes addressed accessibility as a side issue. The BOCA code made a tentative start at including accessibility requirements, but, for the most part, the model codes were passive on the subject. While strides were being made legislatively, however, the Council of American Building Officials (CABO) was asked to become the Secretariat for the ANSI Standard for buildings and facilities providing accessibility and usability for physically handicapped people (ANSI 117.1). CABO charged the Board for the Coordination of Model Codes (BCMC) with scoping the ANSI standard. Scoping of a regulation, or, in this case, of a standard, tells which buildings must comply and to what extent

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compliance is required. This committee worked hard to make clear, sensible requirements that could be incorporated into a model code. Coincidentally, as BCMC completed its scoping document, the ADA was signed into law and the federal regulatory process began.

Now is the time for all interested parties to work together to ensure that the provisions of the ADA will be fully adopted, fully implemented, and fully enforced. The Architectural and Transportation Barriers Compliance Board (ATBCB), a federal agency which was charged with the responsibility of drafting improved technical guidelines, is committed to working with CABO. Revisions to the ANSI standard should be ready for publication sometime in 1992. The US Department of Justice (DOJ) was charged by the ADA with promulgating regulations to enact the ADA requirements. It was also given the authority to establish a system to certify state or local codes as equivalent to the ADA regulations and technical requirements. This process has not been established at this time, but will become clearer in the near future. Obviously, there are now many players who represent many different interest groups, who have been given different responsibilities under the law, and whose processes have, by their nature, been separate, but parallel. It is time to merge these interests. The Department of Justice is considering certifying the revised ANSI standard as compliant with the ADA. If this happens, when model codes adopt the BCMC scoping document and the ANSI Standard and states then adopt a model code, we will be assured of ADA compliance.

It is a common experience in this country to find that representatives of special interest groups think they have lost the entire battle if they concede on even one point in a multi-phase plan. Now is the time for everyone concerned with access to recognize that there may be concessions in the short run that will result in large gains in the long run. In New Jersey, we may have to compromise on some of our more stringent requirements and accept certain less stringent technical requirements found in the ADA. We should keep in mind, however, that there are states and communities in this country which will be making greater adjustments as they address accessibility for the first time. We must never lose sight of the fact that this law is a unifying law. It makes as many buildings as possible accessible to as many people as possible. It also assures people with disabilities that when they travel around their country there will be accessible accommodations wherever they go. It's an enormous step forward and we should all regard it as such.

Source: Charles M. Decker, AIA
Assistant Director
Division of Codes and Standards ❑

ADA—BFSC: New Jersey

The word is out—the Americans with Disabilities Act (ADA) becomes effective January 26, 1992. What's going to happen? What are we going to do? What do we have to do to comply? Before anyone jumps to conclusions and decides that the ADA means a complete change in New Jersey, I'd like to take a minute to explain the ADA, to explain the Barrier Free Subcode, and, most importantly, to explain their relationship in New Jersey in 1992.

The Americans with Disabilities Act (ADA) was signed into law by President Bush on July 26, 1990. The law consists of five titles, or sections. Title III, public accommodations, is the section that impacts buildings and, therefore, is the section that triggers the greatest interest for construction officials.

The most common questions I get are: what is New Jersey going to do? and, does the construction official have to enforce the ADA? The answers are: DCA intends to adopt the ADA regulations as the accessibility requirements for all public buildings in New Jersey. Construction officials are licensed by DCA to enforce the Uniform Construction Code. Therefore, construction officials should continue to enforce the Barrier Free Subcode (BFSC) until the ADA regulations are adopted as the accessibility code in New Jersey.

Since the ADA regulations cover only public buildings and do not apply to residential buildings, the Department must adopt accessibility requirements for multi-family residences. We intend to do this by adopting scoping that conforms to the Federal Fair Housing Amendments Act requirements. At the same time, we propose to adopt the residential requirements in ANSI 117.1, the technical standard for accessibility, as the accessibility regulations for multi-family residences in New Jersey.

Before you think, "Oh, no! New barrier free requirements—I've just gotten used to the old ones!," stop a minute. Remember that the New Jersey Barrier Free Subcode is based, in large part, on the ANSI 117.1 standard. The ADA regulations are based on the ANSI standard. And the New Jersey adoption of the requirements of the Federal Fair Housing Amendments Act will include the ANSI standard. There will be differences. The ADA is not exactly like the BFSC. The scoping of the ADA is a little different from the scoping of the BFSC, and some technical requirements will change, but, generally speaking, the differences are not substantive. The BFSC was amended in September 1990 to reflect the scoping requirements of the FFHAA. Since the BFSC is based on ANSI, the adoption of the technical requirements for residential units in ANSI should result in minor changes.

The Department will provide training and technical assistance for all construction officials. The transition to using the ADA and the FFHAA Act requirements as New Jersey's accessibility code, admittedly, will result in some gray areas and some

eas of confusion. But, that's nothing new! The Department is fully committed to doing its level best to provide information and to make this change as smooth as possible.

Source: Emily Templeton
Code Development Unit ❑

Barrier Free Plan Review

Plans? Barrier free compliance? I can just about predict the problems I'll find. Bathrooms. Accessible route of travel. Doors.

What's likely to be wrong with the bathroom designs? Clear floor space. The Barrier Free Subcode (BFSC) makes it clear that 5 ft. x 5 ft. clear floor space is required in an accessible or adaptable bathroom. But all too often, the designs come in and they are a mirror image of figure 7.55b (NJAC 5:23-7.55b). The problem with using that figure as a complete design guide is that the figure only addresses clear floor space. It is not a room. It is not meant to show the placement of the lavatory. The presence of the lavatory and the door in the diagram is to show that nothing, not even a lav or a door, may infringe on the clear floor space. When designing a bathroom, it is important to remember that the requirements for each element must be met: rning radius (7.54), clear floor space at each fixture and the installment of each fixture, water closet (7.55), lavatory (7.58), bathtub (7.61), and door (7.53). If the bathroom is to be minimally accessible, a clear diagram is given at 7.65. This diagram must be followed exactly and the fixtures may not be rearranged.

Once I've reviewed the bathrooms, I'm almost certain that I'll find problems with the accessible route of travel from the accessible parking space to the accessible entrance. The BFSC requires that the accessible parking space be within 200 feet of an accessible entrance (NJAC 5:23-7.13). But, when parking lots are designed, it is not unusual to find that the accessible parking spaces are 200 feet from the entrance "as the crow flies," and that the disabled person has to travel a much longer distance to the curb cut and then to the entrance. In fact, the accessible route of travel can be considerably more than the 200 feet required by the BFSC. In addition to that, the accessible route is often a hazardous route in that it requires the disabled person to travel behind parked cars. In design, the parking space, the curb cut, and the accessible entrance should all be coordinated—and no one should assume that anyone travels "as the crow flies."

Doors? How could anyone have design problems with doors? The problem is measuring. The BFSC requires that the clearance be measured from the stop on the latch side of the jam the latch side of the door when the door is open 90 degrees. The BFSC requires that the door be 32 inches clear. It is a common mistake to think that the 32-inch requirement refers to the nominal size of the door. It does not. The requirement is for clearance. The reason for this requirement is that 32 inches clear provides enough space for a disabled person in a wheelchair to use the door. And, while I'm on the subject of doors, I want to point out that doors with more than one approach must have maneuvering space provided for each approach.

There you have it—the three most common design problems I encounter in plan review. But my greatest barrier free irritation has nothing to do with plan review. The most irritating barrier free inadequacy to me is poorly constructed curb cuts. Curb cuts should be flush with the road surface. There should be no "drop off." People can be hurt when the curb cut drops off and it should not happen. If it happens, it should be corrected.

Source: Jeffrey Applegate
Bureau of Project Review ❑

Barrier Free Compliance Can be Hard to Find

The phone rings. The person begins, "It's a brand new building and I can't even get in. I wanted to go out to dinner to try this new restaurant and..." the story continues, but I've heard it before. Part of my job is to investigate complaints like this one. What are the most common complaints? Bathrooms.

The major problem with barrier free bathrooms when they are not correctly built is that there is not enough clear floor space. The Barrier Free Subcode (BFSC) requires 5 ft. x 5 ft. clear floor space. There is a reason for this—this is the amount of space it takes to turn a wheelchair 360 degrees. Without the clear floor space, a disabled person cannot maneuver within the bathroom, cannot, in fact, use the facilities. Without enough clear floor space, the "barrier free" bathroom is inaccessible. Inches do matter and compliance after the bathroom has been built is difficult and expensive. It's a lot easier to provide the space from the start; when I come in to look, it's pretty late.

Another common bathroom problem? The water closet is not installed next to a wall. The water closet has to be 18 inches from the wall because the grab bars have to be installed on a wall and a disabled person needs to use grab bars to use the facility. To move the water closet after the bathroom is finished is expensive and shouldn't be necessary. The water closet in an accessible or an adaptable bathroom should be placed 18 inches from the wall right from the start.

I've also sometimes found that the accessible entrance is kept locked. The building manager has the key, but no one can find the building manager. A locked entrance is not an accessible entrance.

I find that accessible entrances are not marked. Accessible entrances must be marked so that disabled people know how to get into the building.

I find that accessible routes of travel are laid out so that a disabled person has to go behind parked cars to get to the curb cut. And I often find that the curb cut has a lip, sometimes more than an inch. Wheelchairs tip on obstacles like that. If it's not done right, if it doesn't comply with the BFSC, then it has to be done again because it doesn't provide accessibility; it's not barrier free.

I also find that ramps can be very badly constructed. Usually, the problem is that the slope is not right and the ramp is too steep. The 1:12 requirement is steep enough. We should not be seeing ramps that are even steeper. We should also not be seeing ramps built without the required landing every 30 feet, but we do.

Over the past year, barrier free complaints have accounted for about 10-15 percent of my investigations. And they are increasing. People know more and they call to complain. I go out to investigate to be sure that buildings in New Jersey comply with all applicable codes, including the barrier free subcode. Maybe once all construction officials have taken the barrier free training, they will enforce the code more accurately. Until then, if I find a building is not in compliance, it's "jackhammer plan review" for that building owner. It could also mean an investigation of the construction official who approved it.

Source: Joe Curiazza
Bureau of Regulatory Affairs ❑

The Barrier Free Subcode: A Historical Perspective

The Barrier Free Subcode Committee has been in existence since 1981. It functions through the Uniform Construction Code Advisory Board to assist the Department of Community Affairs (DCA) in developing a code to implement New Jersey's Architectural Barriers Act. Since its inception, the Subcode Committee has been comprised of individuals with a wide variety of backgrounds and expertise. It currently includes architects, engineers, builders, construction code officials, and disability advocates. It can also call on resource persons from the Departments of Education, Health, and Community Affairs.

Over the last 10 years there have been numerous changes to the Subcode as well as tremendous advances for people with disabilities. New Jersey has long taken the lead in this area and the recent passage of the Americans with Disabilities Act (ADA) will only further the goal of equality and opportunity for all people with disabilities.

The concept of barrier free design has been with us for quite some time. It might be helpful to highlight some of the major events that brought us to our current efforts in analyzing how the recent passage of the Fair Housing Amendments Act (FHAA) and the Americans with Disabilities Act would impact the lives of all citizens. The first federal Architectural Barrier Act was passed in 1968. This Act can be considered one of the most important pieces of legislation for people with disabilities, since it mandates that buildings constructed or financially aided by the federal government must be accessible to all citizens. Unfortunately, this law did not impact any other types of buildings and therefore fell short of providing the necessary access to employment, housing, and transportation.

The legislature passed a bill, which was signed into law, mandating that any state-, county-, or municipal-funded building must be accessible to people with disabilities. As important as that legislation was, it left out all privately funded buildings which were certainly the majority of facilities being built.

In 1975, this all changed. The legislature passed Chapter 220, which stated that all buildings used by the public must contain facilities for people with disabilities. This was a radical change from the 1971 law, since it covered all buildings, including multi-family housing, whether built by a government agency, private company, or individual, rather than just those built with public funds. The first set of regulations issued to implement this law came out on July 15, 1977. At the time, the Department of Treasury, Division of Building and Construction, was responsible for implementing these guidelines. A task force assisted the Department of Treasury in developing the regulations and was the precursor to the Barrier Free Subcode Committee. In 1981, legislation was passed which transferred the responsibility for developing, implementing, and enforcing the regulations to DCA.

The 1981 legislation also established the Barrier Free Subcode Committee. The first challenge facing the Committee was to review the existing regulations and develop a comprehensive code document. The Committee was charged with reviewing the comprehensive accessibility standard published in 1980 by the American National Standards Institute, better known as ANSI. The Committee relied heavily on ANSI for technical specifications as well as on the expertise of the Subcode Committee members. This effort was directed by Ina White, the first Chairperson of the Subcode Committee.

In 1986, DCA issued a comprehensive Barrier Free Subcode. This is what is currently being used in the state. There have been several changes made to the Subcode since then due to federal legislation, court interpretation, and changes in the state of the art.

The current challenge facing the Subcode Committee is to analyze all of the regulations now mandated by the ADA and FHAA to ensure that New Jersey is meeting all of the federal requirements and maintain the level of accessibility New Jersey's disabled citizens now enjoy. This will not be that difficult, since New Jersey has always had a very progressive code and many of the federal requirements are already contained in the Subcode.

The importance of barrier free facilities cannot be overstated. Access allows people with disabilities to finally be integrated into the mainstream. There are now tremendous opportunities in employment as well as increased options in barrier free housing and transportation. Much as been done since the implementation in 1977 of the New Jersey provisions. Still, there are many areas that need to be improved. Enforcement and education will be key issues for the Subcode to consider as we phase in the new federal requirements.

One other area that needs correcting, though not a code issue, is people's attitudes. Too many times the Subcode Committee hears comments such as "we don't need to make this facility barrier free; handicapped persons cannot use it anyway." In truth, there are no limits on what people with disabilities can do given the right environment. This can be said about employment as well as recreation activities. For instance, many people with disabilities ski, play tennis and racquetball as well as ride horseback. As people finally begin to appreciate what people with disabilities can do, then many of these attitudinal barriers will fall.

Source: John DelColle
Chair, Barrier Free Subcode Committee ❑

Putting Barrier Free Training into Perspective

Under the auspices of the New Jersey Department of Community Affairs, the Middlesex County Office for the Disabled conducted barrier free subcode training during the spring of 1990 and 1991. The first training consisted of a full two-day course with the purpose of developing qualified and knowledgeable advocates across the State. These advocates were trained to provide testimony at construction board of appeals hearings when an access issue was in question. The focus of the 1991 course was the promotion of an effective working relationship between advocates and construction officials, to provide advocates and construction officials with needed further understanding and clarification of their respective roles. The training highlighted how the knowledge and expertise of these two parties could be combined to ensure that barrier free design, as outlined in the code, would be achieved.

We believe the training sessions were a valuable experience for all who participated. These seminars increased the awareness and understanding of accessibility and the construction process for all attendees. The experience also created a greater sensitivity and enhancement of the relationship between construction official and advocate. Additionally, this dynamic interaction generated new concerns and design issues which are not currently addressed in the State's Barrier Free Subcode. These issues were forwarded, following the trainings, to the Barrier Free Subcode Committee for their careful review and consideration.

The Department of Community Affairs sponsored these programs with a specific goal in mind. The certificates issued by the Department to the attendees were solely to identify advocates able to testify at construction board of appeals hearings, as outlined in Section 5:23-7.4 of the Barrier Free Subcode. The certificate and training do not empower or allow advocates the responsibility to make construction or design decisions. This responsibility ultimately rests with licensed township officials and the Department. As was addressed in the trainings, the seminars and certificate are not to be utilized for financial gain. Many concerned and energetic persons attended these courses. These individuals have a vested interest to ensure that access is achieved for people with disabilities. Unfortunately, the opportunity for them to exercise their role has been quite limited. However, the Department is not in the position to issue additional responsibilities to advocates. We fully recognize the fact that advocates are looking for an outlet for their knowledge and personal experiences. These persons have valuable input which they can bring to the community.

The Office believes that there exists much work which advocates can perform which does not fall under the purview of their Department designation, but which they can perform in their roles of "concerned citizens." As the January 1992 ADA implementation date nears, now is the opportune time for advocates to reintroduce and make themselves available to the community as concerned, knowledgeable citizens. Concerned, knowledgeable citizens may find a committee is being formed in their township to explore ADA issues, and it would certainly be appropriate to ask to join that team. Another avenue concerned, knowledgeable citizens can explore is with regard to polling site access, particularly in light of the 1992 presidential election. Concerned, knowledgeable citizens may be able to suggest alternate accessible sites if current polling locations cannot be made barrier free.

All of our suggestions recommend that people become involved in their communities not as an "authority" or "finger pointer," but rather as a citizen with an interest and commitment to ensure access and enjoyment of the community for all residents. Our hope is that people who happen to be trained as advocates will work **with** the community and not **against** it. The role of a Department of Community Affairs advocate is important, and we hope all will continue to serve at Board of Appeals hearings when asked.

Sources: Debbie Bain
Debbie Bonanni
Middlesex County Office for the Disabled ❑

★★★★ IMPORTANT ★★★★

UCC Update: Radon Hazard Subcode

Transmittal #27 was mailed recently as an update to the UCC. The Office of Administrative Law inadvertently made a printing error in this transmittal.

The following phrases should be added before page 23-331 in the Radon Hazard Subcode:

"9. Any ductwork that is routed through a crawl space or beneath a slab shall be properly taped or sealed.

10. Sealant materials that substantially close off the soil gas entry routes shall be installed on any doors or other openings between basements and adjoining crawl spaces that are vented to the exterior.

11. The tops of foundation walls, including, without limitation, interior ledges, that are constructed of hollow masonry units shall be capped or the voids shall be completely filled.

12. When capped interior vent pipes are provided, or venting from the sump installations is provided, in accordance with (b)3, 4 or 8 above, an adequately supported three-inch minimum diameter solid vent..... "

The above requirements are being incorporated by OAL and the corrected pages will be mailed shortly.

Source: Bureau of Technical Services
Publication Unit ❑

Construction Officials: "Local Government Officers" for Ethics Law?

The Department continues to receive inquiries from construction officials concerning whether or not they are "local government officers" and therefore required to file financial disclosure forms in order to comply with the recently adopted Local Government Ethics Law, PL 1991, c.29.

A construction official, or any other local official, is considered to be a "local government officer" if he or she is (1) elected; (2) a member of a local agency that has the power to adopt ordinances, approve development applications, or grant zoning variances; (3) a member of an independent authority; or (4) a "managerial executive" or "confidential employee," as those terms are defined in the New Jersey Employer-Employee Relations Act, NJSA 34:13A-3. A construction official, other than one who is also a member of a local board or authority, could therefore be an "officer" only if he or she is a "managerial executive" or a "confidential employee." "Managerial executives" are defined as "persons who formulate management policies and practices, and persons who are charged with th responsibility of directing the effectuation of such management policies and practices," while "confidential employees" are defined as "employees whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiating unit incompatible with their official duties." This being the case, are construction officials "local government officers" or are they not?

Unfortunately, we cannot provide a simple "yes" or "no" answer. We have been advised by the Attorney General that "the determination as to whether a person is a 'managerial executive' requires an examination of the employee's position in the local agency hierarchy, the employee's job function and responsibilities, and the amount of individual discretion exercised by the employee" and that "the analysis of these three factors is necessarily a very individualized determination."

It may be useful to construction officials, and to the municipal attorneys who assist them, to review the Public Employment Relations Commission's ruling in the case of Township of Clark, 11 NJPER 16104 (1985), in which it was held that the construction official was not a managerial employee because (1) he had evaluated a clerical unit employee on only one occasion, which was insufficient to establish supervisory status, and (2) because he did not formulate or implemer construction policies, inasmuch as both policy and methods fo implementation were codified. Though the second criterion would clearly apply to all construction officials, the first criterion probably would not. The situation of a construction official who is responsible for personnel evaluations of other employees differs from that of the official in Clark, and the conclusion as to whether he or she is a "managerial executive," and hence a "local government officer," may differ as well.

Source: Michael Ticktin
Chief, Legislative Analysis ❑

Inspector Liability

Recently, the New Jersey Supreme Court decided a case, Bombace v. City of Newark, Supreme Court of New Jersey, August 7, 1991, concerning tort liability of inspectors under the New Jersey Tort Claims Act. Bombace was the mother of four minor children who lived with her in a rented apartment in Newark. In October 1983, she complained to the municipal fire department about exposed wires and faulty smoke detectors in her apartment. Fire officers inspected, found violations, and issued a violation notice to the landlord. The Fire Inspection Bureau was sent notice of the violations, but misplaced th information. Nearly a week later, Bombace contacted th municipal code enforcement bureau, complaining of insufficient heat. An inspector promptly visited the apartment and

issued a notice to the landlord. A court date was set for a hearing; the hearing was delayed by the court for approximately two weeks, but Bombace was not notified of the dates. An inspector, visiting the apartment two more times before the scheduled hearing date, found a continuing lack of heat; however, on the day prior to the hearing, the inspector found Bombace's apartment boarded up. The building manager told him Bombace had moved. The premises appeared vacant and neighbors also believed Bombace had moved. At the hearing, the inspector stated what he had found, and the complaint against the landlord was dismissed. In February 1984, a fire which officials attributed to a gas stove or portable heater used to provide warmth, killed Bombace's four minor children who were living with her in the reportedly vacant apartment. She sued the municipality, the landlord, the building manager, and the municipal inspector. She claimed that the municipality and its inspector were ineffective in enforcing the law and that it had been improper to terminate the municipal proceedings for failure to provide heat.

Enforcement "Non-action"

The court interpreted the State Tort Claims Act to provide absolute immunity for failure to enforce the law. That is, misplacing the fire code violation notice did not make the municipality or its employees liable. The court made plain that failure to enforce a law, or failure to perform an inspection, does not create tort liability (wrongful death, personal injury, property damage) for public employees under the State Tort Claims Law. The reason for municipal and public employees' immunity is the recognition that the scope of laws and regulations to be enforced is almost unlimited, and yet the time and resources of municipalities and their employees are limited. Municipalities and public employees must do as much enforcement as possible, but cannot be held liable for what they cannot do.

Enforcement Activity

Bombace's other claim, however, was that the municipality and its inspector terminated an ongoing enforcement action, which they should not have done. The State Tort Claims Act has been found to provide not "absolute," but only "good faith" immunity for enforcement. The Supreme Court, however, found that in terminating its actions against Bombace's landlord, the municipality and its inspectors were entitled to the same absolute immunity as if they had not begun the violations process. As public policy, the Court explained that it would not want to discourage municipal officials from commencing enforcement actions just because they might, for whatever reason, need to terminate or abandon them.

As an aside, the court recognized that plaintiffs such as Bombace can still recover damages from death or injury from private parties who were the cause of the death or injury—as, here, the landlord or building manager—instead of getting compensation from a municipality and its employees who were merely unsuccessful in preventing the private parties' illegal acts. Apart from what the New Jersey Supreme Court has said about tort liability for death, injury and damages, officials should not be sloppy about doing their jobs. That they cannot be successfully sued by private parties in such instances does not mean that their employment, including professional reputation, licenses, promotional opportunities, and salaries, could not be affected by a lawsuit. It is, nonetheless, good news to know that they will not be held financially responsible for tort damages that result from private parties' disobediance of the law.

Source: Chrys Wyluda
Code Development Unit ❑

Using UCCARS

For those of you who are new to UCCARS, the project has been organized into three separate phases with each phase culminating in a specific version of UCCARS — System I, System II, and System III. The final version of UCCARS, System III, is now a reality.

System I is the entry-level version. It requires only the minimum amount of information needed to complete its tasks. It enables you to computerize your office's set of records. System I stores and prints out the Permit and Certificate Fee Logs, Monthly Municipal Activity Reports, Federal Census Reports, and others. It also electronically transmits your monthly reports to DCA.

Most municipalities find that System I does exactly what they need. However, an advanced version of UCCARS, System II, has been developed for those wishing to go further in the computerization of their operations. System II does all that System I does, plus a lot more. For example, it automatically fees out your permits. It prints the actual permits and certificates onto 3- or 4- part forms. It keeps track of contractors and of block and lot data. And, it provides access to your data in a wide variety of ways.

Unlike Systems I and II which are two separate programs, System III is not a stand-alone program. Rather, the functionality of System III has been incorporated into both versions of UCCARS. It took a lot more work to program it this way, but we thought the resulting programs would be far easier for you to use. Thus, regardless of whether you are using System I or System II, you can receive an enhanced version of System I or System II which includes all of System III's capabilities.

So what does System III do? The functions of System III can be grouped into the following categories:

- Inspections
- On-going Inspections
- Plan Review

A brief overview of the capabilities of System III is provided below:

Basic Design Criteria

Incorporate within both System I and System II
Full compatibility with existing UCCARS data

Data Contents

Incoming calls for inspection requests
Results of inspections
Inspector information
On-going inspection schedule
Frequency of each on-going inspection type
Plan review tracking data

Data Entry and Updating

Enter new request
Update current request
Inspection results
Ongoing inspections
Plan review reports
Requested inspections for inspector
Requested inspections for all subcodes
Inspection log for inspector
Inspection log for all subcodes
Overdue inspections for inspector
Overdue inspections for all subcodes
Permits with no inspection requests
Inspection history for specific category
Ongoing inspections due for specific category
All plans submitted for review
Plans due for review within 5 days
Overdue plan reviews

Training classes for System III will be starting in March.

Source: Stan Kosciuk
President, Municipal Information Systems ❑

Looking Ahead: The Education Unit

New proposals for seminars for next semester have been reviewed and selected. We know from experience that everyone looks forward to the new seminars and hastens to reserve a space. **Some changes are going to take place in the spring of 1992.**

First, our financial position requires us to reduce the number of seminars being offered. In addition, inspectors will only be permitted to meet their education requirements, not exceed them; i.e., if you need two (1.0 CEU) building technical seminars for your license renewal, you will be permitted to sign up for **only** two. Once you have met the requirement, until the financial picture allows us to schedule more seminars, you may not take any extra seminars. This move is very difficult for us in the Education Unit because we have always encouraged our inspectors to sign up for any seminars that stimulate their interest. This will no longer be possible.

We have improved our registration process to show all seminars you have taken during your two year licensing period. This will allow us to check your transcripts when you register.

You will receive the spring brochure in January. Please make your seminar selections with care and consideration.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❑

Panic in UCC Formland

After the last edition of the *Communicator*, I was contacted by a printer of UCC forms about the concern of municipalities over the proposed changes in the UCC standard forms. Actually, "panic" is the word he used.

Yes, many of the forms will be modified for use on or about July 1, 1992. Most of the changes will be minor in nature and the majority of your existing stock of forms may be used. The purpose of my notice was to prevent a municipality from ordering a five-year supply of forms next May.

An example of a "minor change" is the Construction Permit (Form F170A). We will be adding Elevator to the list of work to be performed and adding Elevator to the payments section. To use up your existing forms, write the word "elevator" in the 'OTHER' section for both the type of work and payments.

What may change significantly are the Permit and Certificate Logs (L700A and L720A) and Municipal Permit and Certificate Reports (R812A and R811A). These are all single part forms that my be reproduced in your own office. If you need to order forms, order them. Just keep in mind July 1, 1992 and try to order an appropriate quantity of forms. Remember, any municipality using UCCARS System II will receive a new program that will upgrade all of the forms the system presently produces.

Source: William Hartz
Chief, Bureau of Technical Services ❑

National Certification Test Dates

Test Date	Registration Deadline
April 25, 1992	March 18, 1992
August 15, 1992	July 8, 1992
November 21, 1992	October 14, 1992

UCCARS Update Report

There is a great deal of activity concerning the Uniform Construction Code Activity Reporting System (UCCARS). Please review the following items for your information.

1. Mandated Electronic Reporting of Data. The Commissioner has determined, and the Code Advisory Board has approved, mandatory municipal electronic reporting of permit and certificate activity to DCA. The proposal that appeared in the November 18 *New Jersey Register* will require municipalities issuing 600 or more permits per year to report electronically by December 31, 1992. Municipalities issuing between 200 and 600 permits per year must report electronically by December 31, 1993.

The UCCARS software, training, and technical support will be provided at no cost to municipalities. If a municipality wants to use another system or develop its own program, that is acceptable, but at municipal expense.

2. Presently 291 municipalities are using UCCARS (212 System I and 79 System II) successfully. They are saving clerical time doing monthly reports and establishing office produces.

3. System III is nearing completion. This will be provided to all municipalities using either System I or System II. We expect training to begin March, 1992. System III will provide three additional modules to your present system that will allow you to:

- Track and schedule all routine inspectors.
- Track all plan review.
- Track and schedule all on-going inspection [Elevator, backflow preventers, sprinklers (UFC)].

Do not call or write about System III yet. Each UCCARS municipality will be notified in writing about System III training.

Source: William Hartz
Chief, Bureau of Technical Services ❑

The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may be directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. **Address changes or subscription questions should be directed to the DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.**

UCC Updates Mailed

During the month of November, Transmittal #1991-27 was mailed to all UCC licensed code officials and all individuals enrolled in the Subscription Service. This transmittal will bring your Uniform Construction Code up to date, with all adoptions, as of September 16, 1991. If you did not receive your transmittal, please call the Publication Unit at 609/530-8792.

Source: Cecilia Heredia
Publication Unit ❑

New Jersey Register Adoptions

Date	Adoption
9/16/91	23 NJR 2861(b) Barrier Free Subcode Adopted Amendments: NJAC 5:23-7.3 and 7.11 adopted 8/12/91, effective 9/16/91.
10/7/91	23NJR 3001(a) Minor Work; Certificates of Occupancy Adopted Amendments: NJAC 5:23-2.8, 2.17A, 2.24 and 2.32, adopted 9/13/91, effective 10/7/91.

Source: E. Maria Roth
Code Assistance Unit ❑

Answers to Quiz

(See page 10)

1. **B**. See NJAC 5:23-2.35(d).
2. **D**. See NJAC 5:23-2.35(a).
3. **B**. See M801.11 (1991 Supplement to 1990 BOCA Mechanical Code).
4. **D**. 10.12.8 (1990 NSPC) requires a valve on the discharge side of the water meter, but not on the inlet side.
5. **C**. Using table E 302.2.1 (c), entering the Y axis of the table at .185 and following over to .08, then reading down to the X axis, the answer is 18.5%.
6. **D**. The following code sections illustrate environments in which termites, if present, would feel welcome if BOCA regulations hadn't made their potential meal so unpalatable: 1702.5.1, 1702.5.3.1, 1702.5.3.2, 1702.5.3.5, 1702.5.4, 1702.5.4.2, 1702.5.4.3 and 1702.5.4.4.
7. **D**. 12 AWG (NEC Section 720-4).
8. **A**. 1-hour (BOCA National Building Code/1990 Section 817.11).

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Construction Code Communicator Quiz

Just for fun, we thought you would like to try a few questions. The answers and sources may be found on page 9.

1. **(Administrative)** Unless established by the local or county governing body, what is the minimum fee that must be accompanied with the application for appeal to the Construction Board of Appeals?

   A. $43
   B. $50
   C. $100
   D. $250

2. **(Administrative)** An owner, or his/her authorized agent, may appeal to the Construction Board of Appeals for all of the following **except**:

   A. The refusal to grant a variation by the local plan review agency.

   B. The monetary penalties imposed by the code enforcing agency.

   C. The refusal to grant a certificate of occupancy by the code enforcing agency.

   D. The refusal to grant a zoning variance by the Zoning Board of Adjustment.

3. **(Mechanical)** Interior gas piping systems using corrugated stainless steel tubing shall meet which of the following standards?

   A. ASTM A106
   B. ASTM A240
   C. ASTM A254
   D. ASTM A539

4. **(Plumbing)** Which of the following locations does not require a water supply control valve?

   A. On the water service, near the curbline between the property line and the curb.

   B. Inside the building where the water service enters.

   C. On the cold water feed to a hot water heater.

   D. On the inlet side of a water meter.

5. **(Energy)** What is the maximum percentage of double pane glazing that can be located in an exterior wall of a single family residence, with an opaque "U" valve for the wall (Uw) of .08 so that the wall, including glazing, meets an overall value (Uo) of .185?

   A. 35.0%
   B. 17.5%
   C. 18.5%
   D. 25.0%

6. **(Building)** Does BOCA regulate termite protection for buildings?

   A. Yes, termite shields are required in Article 12 Foundations and Retaining walls.

   B. Yes, termite shields are required in Article 21 Exterior walls.

   C. No, BOCA does not address termite protection in buildings.

   D. Yes, but indirectly.

7. **(Electrical)** What is the minimum size of conductors used in circuits for equipment operating at less than 50 volts AC or DC?

   A. 18 AWG
   B. 16 AWG
   C. 14 AWG
   D. 12 AWG

8. **(Fire Protection)** Which of the following is the correct fire resistance rating for an interior exit enclosure in a three-story, M-use building?

   A. 1-hour
   B. 2-hour
   C. 3-hour
   D. 4-hour

Determining Percentage of Alteration

Determining the percentage of alterations or repairs is sometimes done by the 'eyeball method,' i.e., "It looks like a total rehab, so it must be over 50 percent of the physical value of the structure." Another common practice is to use the tax assessor estimates to figure the value of the structure.

Both are incorrect.

NJAC 5:23-2.4(b)1. states the current replacement costs shall be calculated using the latest edition of the Building Valuation Data Report, as published by BOCA. To calculate the percentage, the structure is built as if a new structure, using the Building Valuation Data Report. Once that figure is determined, the estimated cost of work is reviewed. NJAC 5:23-4.20(c)2i(2) provides for an applicant to submit specific data to verify the estimated cost so as to obtain a complete picture of the project. Finally, the percentage of alteration is determined based on these two figures.

This percentage greatly affects code requirements for the alterations/repairs, therefore care should be taken to ensure it is properly calculated. Should you have any questions, please call (609) 530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs ❑

Construction Code Communicator

State of New Jersey
James J. Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

Volume 2 Number 1 Spring 1990

MASTER PLUMBER'S LICENSE: INTERPRETATION UPDATE

There has been an important change in the way the Master Plumbing Licensing Board interprets the licensing law. Recent directives by the Attorney General's office state that the Licensing Board **cannot** require that those performing plumbing work, including site work, outside a building but inside the property line, have a master plumber's license. An exception to this is that backflow preventer installation and capping of water and sewer lines to be closed do require a licensed master plumber.

Until recently, the license was required for work on water supply, sanitary sewer, and storm sewer lines inside the property line. The Attorney General's office has found this requirement to be unconstitutional, however, since it could prohibit some groups of people from performing work for which they are skilled. The tools, equipment, and skills necessary to properly perform the work of installing water, sewer, and drain piping within a property line are the same as those needed to install such piping outside a property line. Historically, this work has been performed both inside and outside property lines by unlicensed utility contractors without incident and without apparent damage to the public's health, safety, or welfare. Therefore, additional licensing requirements were not supported by the circumstances, past and present, in the state.

As the law will now be enforced, code officials **cannot** require that those people applying for a permit to perform plumbing work outside a building have a Master Plumber's License, the exception being that the installation of backflow preventors and the capping of water and sewer lines **do** require a licensed master plumber. The Department may later revise N.J.A.C. 5:23-2.15 to reflect the changes in the Plumbing Board's interpretation of its law.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services

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STAIRS AND RELATED TOPICS

This is the first installment in a brief series of articles which gather and condense the larger features of this sizeable subject. The next issue of the *Communicator* will feature the changes to this material according to the 1990 BOCA Code.

Please let me emphasize that space does not permit inclusion of the related material from N.J.A.C. 5:23-7, the New Jersey Barrier Free Subcode, in the text, and that Barrier Free regulations are **not** found in the accompanying table.

For interior stairs, regulations are the same if they are supplemental or required for egress (816.1), whereas for exterior stairs, modifications exist when supplemental (819.1).

(continued on next page)

(STAIRS, continued from page 1)

There have been many questions about stair nosings, on which subject BOCA, CABO, and the New Jersey Barrier Free Code differ significantly from one another. BOCA, at 816.4.2, Dimensional Uniformity, exception 2, and at an exception to 826.4.2, Risers, refers briefly to marking nosings on certain stairs in assembly aisles. It does not, however, require and regulate nosings as such. CABO, on the other hand, at R-213.1, does require nosings of approximately one inch projection when risers are closed. For handicapped persons who can use stairs, the size and shape of nosings is critical to safety. The New Jersey Barrier Free Code at NJAC 5:23-7.35 and 7.35a provides very detailed and specific regulations which supersede both BOCA and CABO for any building which is not exempted from the Barrier Free Subcode.

The material in this article is based on the 1989 CABO One and Two Family Dwelling Code and the 1987 BOCA code with the 1989 Accumulative Supplement.

	1989 CABO	1987 BOCA with 1989 Accumulative Supplement
HANDRAILS		
Where required:	At least one side of stairways with 3 or more risers. Ramps: At least one side when slope is > 1:12.	Both sides of stairs 44" or more wide (exceptions). Ramps: At least one side when slope is > 1:15. Both sides of alternating tread stairways. Assembly aisles (826.5, 826.5.2). Theater/auditorium boxes, balconies, galleries (827.4 - 827.4.3).
Height:	30" - 34" all locations.	34" - 38" BUT: 34" - 42" where guards are required; 30" - 34" in individual dwelling units (when guards are not required). Various heights in theaters and auditoriums (827.4 - 827.4.3).
GUARDS		
Where required:	Open side of stairs when > 30" above floor or grade below. Porches, balconies, raised floor surfaces > 30" above grade below.	Open parking structures (607.6). Roof storage, motor vehicles (609.2.3). Ramps: Both sides (815.5). Stairways: Both sides (816.5). Open-sided floor areas > 30" above floor or grade below (825.5). Retaining walls (1223.5).
Height & Spacing:	36". Sphere < 6" can pass through spaces.	42" (exceptions). Sphere < 6" can pass through spaces (exceptions).

BARRIER-FREE REGULATIONS ARE NOT INCLUDED IN THIS CHART.

DEFINITIONS:

STAIRWAY: One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one floor to another.
HANDRAIL: A horizontal or sloping rail grasped by hand for guidance or support, and for arresting falls on the adjacent walking surface.
GUARD: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level.

As most readers are aware, much additional information on stairs can be found in BOCA Article 8.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

RADON TRAINING

As we approach the adoption of the radon subcode (proposed in the *New Jersey Register* 12/4/89), the Education Unit of BTS will be engaging the Eastern Regional Radon Training Center at Rutgers University for "hands-on" training for construction officials. The course will include radon mitigation techniques for new construction and existing structures. We hope to be able to implement this training as early as May 1990.

The Eastern Regional Radon Training Center (RRTC) at Rutgers University is one of three national radon training centers established in 1989 by the United States Environmental Protection Agency (EPA) in response to the Indoor Radon Abatement Act of 1988. The EPA estimates that as many as 20,000 lung cancer deaths per year are caused by the tasteless, odorless gas called radon. With the establishment of the three national radon training centers, the EPA has taken the first step toward reducing the fatal effects of this life-threatening gas.

The main objective of the Rutgers RRTC is to offer practical training to professionals who deal with radon. Training programs are aimed primarily at radon mitigators, providing state-of-the-art technical information regarding proper mitigation techniques in accordance with EPA guidelines. Programs also address related topics, such as radon measurement, testing, instrumentation, and evaluation. Issues involving worker health, effects of radon in water, and considerations and guidelines for new construction are also included.

Source: Susan McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

MORE CODE MODIFICATIONS

The following is a continuation of the complete list of *New Jersey Register* entries of code change **adoptions** since the Winter 1989 *Communicator*. The numbers after the date indicate volume and page.

New Jersey Register Date	Adoption
11/6/89	21 NJR 3460(a) Educational Facilities Use Group 5:23-3.5
	21 NJR 3460(b) Assumption of Local Enforcement Powers 5:23-4.3
12/4/89	21 NJR 3747(a) Asbestos Hazard Abatement 5:23-8.8
2/5/90	22 NJR 350(b) Underground Storage Tanks; Definitions 5:23-1.4
	22NJR 351 (a) Plumbing Subcode 5:23-3.15
	22 NJR 351 (b) Enforcing Agencies 5:23-4.5,4.19, 4.20
	22 NJR 352 (a) Dedication of Revenue for Code Enforcement 5:23-4.17

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

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The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may by directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816.

CHANGE OF CONTRACTOR

"Change of contractor" is a contractual matter between the owner/agent and the contractor that is not directly addressed in U.C.C. regulations. Is an inspection of the incomplete work necessary whenever a contractor is replaced? Is the original contractor still responsible for correcting the violations in the job he or she performed or supervised? These questions often arise when an amendment for a change of contractor is filed.

U.C.C. regulations indicate that the owner and/or person in charge of work assumes the ultimate responsibility for securing inspections and correcting violations. The responsibility for ensuring that actual construction work conforms to the approved construction documents lies with the contractor(s) whose name appears on the construction permit, or on the approved amendment. Hence, until the original contractor is replaced through approved amendment, the contractor identified on the permit is responsible for the work performed or supervised by him or her. According to the state contractor licensing laws, however, the licensed contractor may also be held responsible for securing inspections and correcting violations in the work performed or supervised by him or her.

U.C.C. regulations do not specifically require an inspection when a change of contractor occurs, as the inspection schedule is based on the completion of certain stages of work. It may be in the owner's best interest, however, to have the unfinished work inspected before engaging a new contractor. This is less important when the work involved is minor in nature.

Source: Ashok K. Mehta
Code Assistance Unit
Bureau of Technical Services

BARRIER FREE PARKING

On November 29, 1989 the Handicapped Parking Bill was signed into law. This law requires that all barrier-free parking spaces, whether on public or private property, have a barrier-free parking sign which contains a statement of penalties for violation of the law. There is a phase-in period of one year: all signs erected **on or after** June 1, 1990 must include this statement; all signs erected **before** June 1, 1990 must include this statement by June 1, 1991.

The purpose of the law is to make it possible for the police to enforce the restricted use of the barrier-free parking spaces. Once the restricted barrier-free parking spaces are properly marked, the police will be able to ticket improperly marked cars or drivers of properly marked cars who either are not disabled or who do not have a disabled passenger. Properly marked cars will include a handicapped license plate or a temporary placard issued by the Division of Motor Vehicles. The fine for violating this law will be $100 for a first offense and $100 and 90 days community service for a second offense.

The Department is in the process of amending the Barrier Free Subcode to include the new requirements for the signs. In the meantime, however, all construction officials should be aware of this requirement.

It is important to note that erecting the proper sign is the first step toward effective enforcement.

Source: Emily Templeton
Code Development Unit

WARRANTY QUESTIONS? WE HAVE THE ANSWERS!

The intent of this article is to inform all municipal construction officials and subcode officials of the requirements of the New Home Warranty and Builders' Registration Act and related regulations. Each municipal construction official should have a copy of the Act and regulations booklet, but if not, please call our office and we will send you a copy.

Some of the questions directed to the Department by construction and subcode officials are as follows:

1. A builder constructs an eight-unit condominium project consisting of two buildings, four units in each. The builder intends to occupy one of the units. DOES THE UNIT HAVE TO BE WARRANTED?

YES - Even if the builder claims to have constructed the project for his or her own use and occupancy. N.J.A.C. 5:25-3.1 (c) 1, states in part: "In the event one unit in a single condominium or cooperative structure is sold, all remaining units in that structure shall be warranted whether sold or used for rental purposes."

(continued on next page)

(WARRANTY QUESTIONS, continued from page 4)

2. WHAT IS A COMMON ELEMENT AND WHEN DOES A COMMON ELEMENT CERTIFICATE HAVE TO BE ISSUED?

A common element is defined in N.J.A.C. 5:25 - 1.3 as "those elements listed in the master deed on file with the Department for each such development or unit as required under law for common ownership." A common element NHW certificate must be issued for each building in conjunction with the issuance of the first unit occupancy/ warranty of the building. There is no NHW fee for this certificate and construction officials should note that **no validated common element certificate should be accepted for verification of individual unit warranties.**

3. An individual contracts a builder to build on his land, but has the electrical work (for example) done by his father, a licensed electrical contractor. WHY IS A WARRANTY NOT APPLICABLE?

N.J.A.C. 5:25-3.1(g) clearly states: "When an owner has contracted with someone other than the builder for either the mechanical, electrical, foundation or framing other than piling foundation, a warranty is not applicable."

In closing, it is important that **NO** Certificates of Occupancy, including temporary Certificates of Occupancy, be issued without proof of warranty coverage, either state (New Home Warranty Program) or private plan. If you have any questions about what constitutes proof of a private plan warranty, please contact Dennis Warford at (609) 530-6189.

If you have any warranty questions or problems, please call our office at (609) 530-6367.

Source: Frank Bonelli
Supervisor, Warranty Enrollments
New Home Warranty Program

REVISED STANDARD FORMS

Use of the revised standard forms has been mandatory since January. We have received very few questions or comments, but, in general, we have heard that they are easier to use and less expensive. How do you like the new forms?

Most of the criteria for revisions were met. I'm sure you like some of the changes but not others. With change come different procedures, and new procedures must be learned. Many of you are closely involved in this process!

Another concern of many municipalities was what to do with their supplies of old forms. Municipalities received the new forms in March '89, which gave them enough time to deplete their supply. All new forms were required to be in use by January 1, 1990, with no exceptions. (The only overlap would be where old forms were given out in December and completed and returned in January or February.)

We did not plan specific training on using the revised forms, but the topic is covered in "Fundamentals of the Uniform Construction Code." If you or your control person would like to learn more on this subject, you should sign up for this seminar.

Our forms are always in evolution. Let us hear from you. Put your compliments and/or concerns **IN WRITING** and send them to BTS, Education Unit, CN 816, Trenton, NJ 08625.

Source: Susan McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

1 & 2 FAMILY DWELLINGS: CABO OR BOCA?

Architects, designers, homeowners, and code officials are often puzzled about which code to use when designing one- and two-family dwellings. According to N.J.A.C. 5:23-3.14/5:23-3.21, either BOCA or CABO can be used in New Jersey for designing these structures. Of course, there cannot be any mixing and matching - that is, picking one section from CABO and another from BOCA to suit one's own needs.

It is the applicant's responsibility, when filing all documents along with permit application, to declare which code is to be followed. It is the code official's responsibility to ensure that proper declaration has been made. There have been instances of permit documents having been filed, construction permits having been issued, construction having begun, and **then** the question has come up, "Which code??"

(continued on next page)

(CABO OR BOCA, continued from page 5)

Proper use of the standard forms will prevent this mistake. Although use of either of the above codes is allowable, designers and homeowners should give careful consideration to their building plans and the codes to be followed **before** filing plans/documents for permits and commencement of construction.

The CABO Code deals mainly with wood frame construction and is considered simpler than the BOCA Building Code. But CABO is not as performance-oriented as BOCA regarding building area, type of construction, fire separation distances, exits, protection, ratings, design criteria, etc. BOCA Table 501 allows much more flexibility in selection of different types of construction and permitted building areas. CABO is silent on construction above a garage. Depending on the designer's planning, a future change in use group may be easier if a building is built under the BOCA Code.

This article is not intended to advocate the use of one code over the other. Any in-depth comparison of CABO and BOCA is beyond the scope of this article. We have attempted to clear up some confusion that exists among designers, homeowners, and code enforcing agencies. This general insight will help prospective entrepreneurs and code officials make better decisions.

Source: Farid Ahmad
Code Assistance Unit
Bureau of Technical Services

THE EXHAUSTING POWER VENT APPROVAL

One of the most confusing pieces of equipment related to mechanical code compliance is the power exhauster. The code does not spell out what approvals power exhausters must have, and since mechanical draft systems are something of an oddity, many code officials are reluctant to approve power exhausters.

While power exhausters themselves are generally fairly simple - a squirrel cage or propeller fan installed within a vent pipe to increase draft - the questions arising from approvals and listings can be complex. Most major model codes, including BOCA (sec. M-1213), recognise power exhausters as an acceptable method of venting appliances, yet none list a specific approval that power exhausters must meet. The New Jersey Mechanical Subcode does state that equipment regulated by the code should bear the label of an approved agency or be approved by the local subcode official in accordance with N.J.A.C. 5:23-3.7 (BOCA NMC M-401.1 as amended in N.J.A.C. 5:23-3.20 (b) 3.i.). N.J.A.C. 5:23-3.7 regulates the approval of non-conforming materials. Hence, if the manufacturer of an unlisted power exhauster can show that the equipment performs satisfactorily for the intended use, the code official may approve the installation.

Below are some installation practices that should be noted when dealing with power exhausters.

* The exhauster should be located as close to the outside wall as possible (manufacturer's installation instructions).

* The exhauster must be installed with a proving switch that insures that the exhauster is operating before gas is supplied to the appliance (1987 BOCA NMC M-1213.2).

* Vent piping subject to positive pressure must be sealed to prevent leakage of the products of combustion (manufacturer's installation instructions).

* Appliances must not be installed on the positive pressure side of the exhauster (1987 BOCA NMC M-1213.1).

* Exhaust should terminate a minimum distance of 10 feet from adjacent buildings or lot lines (1987 BOCA NMC M-1213.3).

* Exhausters should be installed with termination kits recommended by the manufacturer (manufacturer's installation instructions).

NOTE: Forced or induced draft systems that are integral components of appliances are not within the scope of Section M-1213.0 of the 1987 mechanical code.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services

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NATIONAL CERTIFICATION TEST

The following is the 1990 schedule for National Certification Examinations:

Registration Deadline	Test Date
MARCH 14, 1990	APRIL 21, 1990
JULY 2, 1990	JULY 28, 1990
SEPTEMBER 24, 1990	OCTOBER 27, 1990

Please note that, beginning with the April 21, 1990 administration, Photo I.D.s will be required. Please consult your Candidate Bulletin of Information for more details.

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CODE BOOK ORDERING INFO

Adoption of the 1990 model codes is expected in **April/May, 1990**. These include the BOCA National Building Code, BOCA National Mechanical Code, the National Standard Plumbing Code, and the National Electric Code.

Code books will not be sold at training seminars, nor at the Building Safety Conference of New Jersey. The following addresses and telephone numbers may be used to order code books:

BOCA
Building Officials and Code Administrators
4051 West Flossmoor Road
Country Club Hills, IL 60477-5795
(708) 799-2300

NSPC
National Association of Plumbing-Heating-Cooling Contractors
PO Box 6808
Falls Church, VA 22046
(703) 237-8100

NFPA
National Fire Protection Association
Batterymarch Park
Quincy, MA 02269
(617) 770-3000

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FLOOD HAZARD ISSUE: ELEVATOR EQUIPMENT

The National Flood Insurance Program (NFIP) was created by Congress in 1968 to provide federally backed flood insurance coverage, which was generally unavailable from private insurance companies. The NFIP was also intended to reduce future flood losses by ensuring that new development was adequately protected from flood damages. The NFIP was based on a mutual agreement with communities that have been identified as flood-prone.

The Federal Emergency Management Agency (FEMA), the agency charged with administering the program, provides community-wide flood insurance, as long as the community adopts and enforces adequate flood plain management regulations. These regulations must meet or exceed the minimum requirement of the ordinance that establishes design performance standards for buildings subject to flood damage.

Current NFIP policy requires that flood insurance coverage includes elevators and all related equipment, even if such equipment is located below the base flood elevation. In order to properly handle the installation of elevators from a flood plain management perspective, a clear understanding of elevators, their related equipment, and practical methods of protecting them from flood damage is needed.

Elevator Types

There are two types of elevators, hydraulic and traction. The hydraulic elevator consists of a cab attached to the top of a hydraulic jack similar to that used on a car lift in a service station. The hydraulic jack assembly normally extends downward below the lowest floor, and is operated by a hydraulic pump and reservoir, both of which are usually located in a separate room adjacent to the elevator shaft. The traction elevator is the more familiar system. It consists of a cable connected to the top of the cab and is operated by an electric motor located in a penthouse above the elevator shaft.

With regard to flood damage potential of the hydraulic type of elevator, the jack assembly will always be located below base flood elevation (BFE). The jack is located in a casing, and while it will resist damage from small amounts of water seepage, total inundation by flood waters up to or over the ground floor will usually result in

(continued on next page)

(FLOOD HAZARD, continued from page 7)

contamination of the hydraulic oil and possible damage to the cylinders and seals. The hydraulic pump and reservoirs are also susceptible to water damage, but they can easily be relocated up to two stories above the jack, which would be above most flood levels.

In the traction type of elevator, the electric motors and most other equipment are normally located above the elevator shaft and would not be susceptible to flood damage. Certain items that would be at risk are sometimes located at the bottom of the shaft, however, such as the counterweight roller guides, compensation cable and pulleys, and oil buffers.

Other electrical equipment is normally found below flood levels on both systems. Some of this, such as electrical junction boxes and panels, can be relocated above BFE. Other equipment, such as door and pit switches, cannot be relocated, but may sometimes be replaced with more water-resistant models.

Elevators and related machinery may present a substantial liability; however, steps can be taken to reduce the potential for flood damage.

Recommendations

The primary approach in dealing with the problem of protecting elevators from flood damage would be to require all elevator-related equipment to be raised or otherwise protected where feasible to do so. Some examples of these loss reduction techniques follow.

PROPER ELEVATOR FLOOD REQUIREMENTS PREVENT UNNECESSARY DISASTERS

1. Locate elevator-related hydraulic equipment, such as the hydraulic reservoir and pumps, above the base flood elevation.

2. Where feasible, locate elevator-related electrical equipment, such as electrical junction boxes and panels, above the base flood elevation.

3. For electrical equipment that cannot be placed above the base flood elevation, such as door and pit switches, use water resistant models where possible.

4. Consider designs which provide for the elevator cab to stay above flood waters automatically by interlocking the controls with one or more float switches in the elevator shaft.

Source: Clark Gilman, P.E.
Chief, Flood Plain Management Section and
New Jersey Coordinator for the National
Flood Insurance Program

THE INSPECTOR: A NEW BREED

What did you envision when you read the title of this article? I'm willing to bet such adjectives as rough, gruff, unyielding, and narrow-minded sprang to mind first and foremost!

It's true, at times, that inspectors can be firm and unyielding, but generally not without just cause. People often have preconceived ideas and approach an inspector with chips on their shoulders. When headlines such as, ''Inspector Accepts Bribes,'' appear, they often can be attributed to journalistic sensationalism and unwarranted accusations. With today's high standards of professionalism and required conflict of interest disclosures, this type of headline has virtually disappeared.

Today's inspectors must be versatile and flexible. They are often called upon to work with attorneys, architects, engineers, homeowners, contractors, and other inspectors. They must be diplomatic (especially when an applicant learns the cost of the permit!), and sometimes must act as judge and jury. They must be thoroughly versed in construction methods, materials, and procedures. The plan review process can be undertaken flawlessly, permits filled out properly, and all prior approvals in order, but, without the inspector on the job, the end product could very possibly be inferior and hazardous to human safety.

I have found that this group of individuals is extremely underrated and misunderstood. They are bright, experienced, and multi-talented with interests ranging from stamp collecting to big game hunting. While I don't wish to create the impression that inspectors are really angelic beings masquerading as inspectors, it is time to rid inspectors of the negative image that has been hanging around their necks for entirely too long.

Source: Charles T. Herring
Construction Official
Bureau of Local Code Enforcement

SOIL CONSERVATION DISTRICTS IN NEW JERSEY

The following chart provides updated information for Bulletin 84-3 entitled, "Compliance with Requirements of the Soil Erosion and Sediment Control Act." Please note all address and phone number corrections.

COUNTY	ADDRESS	COUNTY	ADDRESS
BERGEN	327 Ridgewood Avenue Paramus 07652 (201) 261-4407	HUNTERDON	Community Service Annex 8 Gauntt Place Flemington 08822 (201) 782-3915
BURLINGTON	Cramer Building, Route 38 Mount Holly 08060 (609) 267-7410	MERCER	508 Hughes Drive Hamilton Square 08690 (609) 586-9603
CAMDEN	Municipal Building 59 South White Horse Pike Berlin 08009 (609) 767-6299	MORRIS	Court House Morristown 07960 (Location-W. Hanover Avenue Morris Township) (201) 285-2953
CAPE-ATLANTIC	Atlantic County Office Bldg. 1200 W. Harding Hwy. County Rd 606 Mays Landing 08330 (609) 625-3144	OCEAN	6 Mott Place, CN 2191 Toms River 08753 (201) 244-7048
CUMBERLAND	P.O. BOX 144, Route 77 Deerfield 08313 (609) 451-2422	SALEM	1000 East, Route 40, Box 47 Woodstown 08098 (609) 769-1124
FREEHOLD (Monmouth and Middlesex Co.)	211 Freehold Road Manalapan 07726 (201) 446-2300	SOMERSET-UNION	Somerset County 4-H Center 308 Milltown Road Bridgewater 08807 (201) 526-2701
GLOUCESTER	Kandle Center, Suite 1-A 72 East Holly Ave Pitman 08071 (609) 589-5250	SUSSEX	330 Route 206 South Newton 07860 (201) 579-5074
HUDSON, ESSEX, and PASSAIC	571 Bloomfield Avenue Verona 07044 (201) 239-1886	WARREN	Stiger Street Hackettstown 07840 (201) 852-2579

UCCARS TRAINING

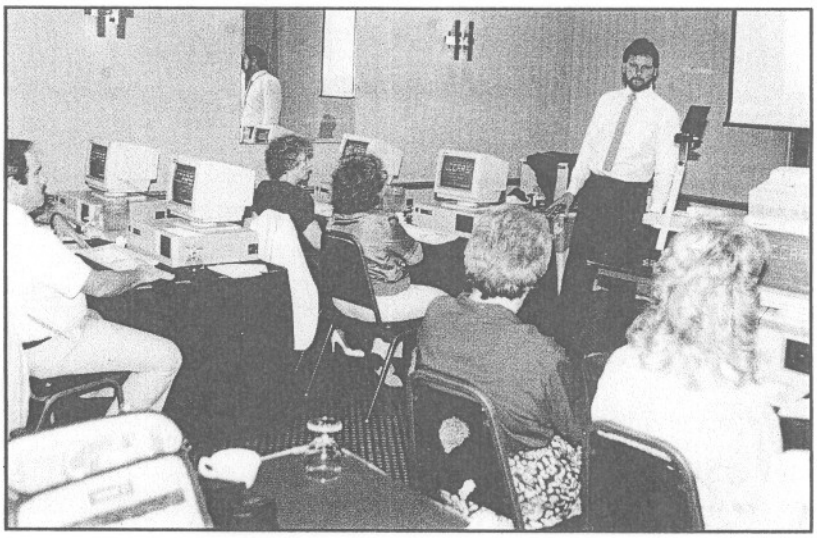
Time is running out! Training on System I of the Uniform Construction Code Activity Reporting System (UCCARS) will soon become very limited. Presently there are 203 municipalities using this system statewide. If you are not among them, you are missing a major opportunity!

System II training is expected to begin within the next 30 days. Only those municipalities using System I will be eligible to move on to System II.

If you are not using UCCARS, your municipality is missing the opportunity to receive free software, training, and technical support. In addition, you would receive programs that could save literally hundreds of hours doing reporting and tracking of permits.

If you need more information, please call 609-530-8798 and ask for Susan McLaughlin or William Hartz.

Source: William Hartz
Chief
Bureau of Technical Services



Stan Czwakiel at a UCCARS training program. This five-hour training session takes you through System I, step by step.



Municipal employees get hands-on training in UCCARS System I. After training, many municipalities begin using the program the next day.

RECORDS RETENTION

Over the years, the Department has received a number of inquries about records retention - what must be kept on file? How long should files be maintained? The Division of Archives in the Department of State has also received questions from code officials.

In the last few months, with the advice of the UCC Code Advisory Board, the Department has drafted a proposal, to appear in the *New Jersey Register*, explaining what records should be kept and for what duration. If adopted, the rule will require most permit documents, notices, certificates of occupancy, and log books should be kept for the life of the structure, and plans for Class I and II structures are to be retained also. Other documents may be retained at the option of the construction official or the municipal officials.

We hope that adding records retention provisions to the code will clear up confusion about record keeping and make plain that the requirements for **U.C.C.** documents may differ from those for other purely **municipal** records.

Source: Chrys Wyluda
Code Development Unit

PUBLIC NOTICE

STATE SPONSORED CODE CHANGE NOTICE

Code changes to be considered for State sponsorship must be submitted as follows:

Plumbing code changes must be received by the Department by **April 15th, 1990**. The Department will forward those proposals approved for State sponsorship to the N.S.P.C. by the May 25th deadline. Those proposals that the State does not wish to sponsor will be returned to the applicant after the May 11th Code Advisory Board Meeting, so that the individual can submit the change independently.

Building, mechanical, and electrical code changes must be received by the Department prior to **May 11th, 1990**, if they are to be considered for State sponsorship. Those proposals that the State wishes to sponsor will be submitted to BOCA by November 1st and to NFPA by November 9, 1990. Those changes not sponsored by the State will be returned to the applicant after the June 22nd Code Advisory Board Meeting so that the proposal can be submitted independently by the individual.

Code change forms and instructions on format and content can be obtained from the model code bodies or from the DCA Code Assistance Unit. You may call the Code Assistance Unit at (609) 530-8793 for more details.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Assistance

Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

Volume 2 Number 2 Summer 1990

ENFORCING AGENCY CLASSIFICATION

The classification of an enforcing agency permits that agency to perform plan review within that classification or any lower classification. NJAC 5:23-3.10(a) states that the classification of an agency is determined by the lowest level of inspector license held by any of the subcode officials in their appointed positions and by the highest level of inspector license held by the appointed construction official. In the case of the subcode officials, the inspector license used to determine the classification of the agency must be in the subcode area for which the individual is appointed.

An example of an enforcing agency classification: suppose all appointed subcode officials are HHS, Class I licensed inspectors. The construction official is an RCS, Class III licensed inspector. The municipality is therefore classified as a Class III agency. This classification shall not permit any enforcement agency to perform plan review beyond the agency classification for the use groups listed in accordance with NJAC 5:23-3.10(c).

Using a mercantile use group as an example, a Class III agency is permitted to perform plan review only for buildings of less than 4800 square feet, one story, and no higher than twenty feet. In the case of a project exceeding these restrictions, the Department would perform the plan review.

Construction officials should understand that permits will not be issued without departmental plan review and release as evidenced by presentation of the released plans. If a partial release is issued by the Department, the enforcing agency must ensure that construction does not proceed beyond the partial release.

Field inspections and final approvals for a project remain the responsibility of the enforcing agency, regardless of the ageny's classification.

Any change in the classification of an enforcing agency is effective immediately upon a change in the level of licensure of any of the officials who constitute the agency.

Source: Gerald E. Grayce
Bureau of Regulatory Affairs

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STAIR AND HANDRAIL FACTS: 1990 CODE

This is a sequel to the stair article in the Spring 1990 *Communicator*. Stairways are now regulated under BOCA BuildingSection 817, with 817.12 Exterior Stairways considered a special case. You will note that some sections regulate only ''means of egress'' stairways, while others, such as 817.6 Treads and Risers and 817.6.1 Dimensional Uniformity, hold true for both supplementary and required stairways. Guard spacings and rail heights have also been updated.

The CABO regulations in the table below specify a minimum guard height two inches higher than the maximum handrail height. Until this problem is corrected through the formal code change process, many construction offices are handling it as a variation.

DEFINITIONS

GUARD: BOCA Building Section 824.1
HANDRAIL: BOCA Building Section 825.1
STAIRWAY: BOCA Building Section 201 (General Definitions)

As most readers are aware, much additional information on stairs is found in BOCA Article 8.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

	1989 CABO	1990 BOCA BUILDING CODE
HANDRAILS		
Where required:	At least one side of stairways with 3 or more risers. Ramps: At least one side when slope is > 1:12.	Both sides of stairs 44" or more wide (exceptions). Ramps: At least one side when slope is > 1:15. Both sides of alternating tread stairways. Assembly aisles (811.5-811.5.2). Theater/auditorium boxes, balconies, galleries (824.4-824.4.3).
Height:	30" - 34" all locations.	34" - 38" BUT: 34" - 42" where guards are required; 30" - 38" in individual dwelling units. Various heights in theaters and auditoriums (824.4-824.4.3).
GUARDS		
Where required:	Open side of stairs when > 30" above floor or grade below. Porches, balconies, raised floor surfaces > 30" above grade below.	Open parking structures (607.5). Roof storage, motor vehicles (609.2.2). Ramps: Both sides (816.5). Stairways: Both sides (817.7). Open-sided floor areas > 30" above floor or grade below (803.6). Retaining walls (1223.5).
Height & Spacing:	36". Sphere < 6" can pass through spaces.	42" (exceptions). Sphere < 4" can pass through spaces (exceptions).

BARRIER FREE REGULATIONS ARE NOT INCLUDED IN THIS CHART.

UCCARS SYSTEM II

Development of UCCARS System II has finally been completed. On June 13, 1990, five test municipalities were trained and began using the program. They are:

Ramsey, Bergen County: Doug Hansen, C.O.
Clinton Twp ., Hunterdon County: Ed Pittman, C.O.
South Plainfield, Middlesex County: John Allen, C.O.
Clifton, Passaic County: Herm Steenstra, C.O.
Scotch Plains, Union County: Bob LaCosta

This testing will continue through July. Upon successful completion, all municipalities using System I will be notified of the availability of System II. In addition, you will receive information on networking, and how this system would work in your office.

Source: William Hartz
Chief, Bureau of Technical Services

ELECTRONIC BULLETIN BOARDS

Electronic bulletin boards are waiting for you! The UCCARS bulletin board system at DCA, and hundreds of other electronic bulletin board systems (EBBS) across the country, are serving as information exchanges for thousands of computer-equipped users. Many EBBS allow users to send messages to individuals in addition to posting messages that are publicly available. And because information is exchanged in digital form, a "message" can be a UCCARS report, a letter, a digitized graphic image, or even a computer program.

A small electronic bulletin board system is inexpensive to build and operate; the hardware required for UCCARS participation is sufficient for a small one. Because of this low cost, small subject-specific EBBS are springing up operated by various individuals, agencies, and associations. Following a discussion at one of the Cracker-barrel sessions at the Building Safety Conference, CIAT, the Center for Information Age Technology at NJIT, has offered to compile and distribute information about EBBS that may be of value to New Jersey municipalities.

If you know of one or more bulletin boards where programs, comments, messages, or data of interest to code enforcement and other municipal staff are being exchanged, please pass the information on to CIAT (W. Kennedy, CIAT, NJIT, Newark, NJ 07102), or to Susan McLaughlin at the Bureau of Technical Services (609-530-8798).

Source: William Kennedy
Center for Information Age Technology
New Jersey Institute of Technology

SIGNATURE AND SEAL: REAL OR PHONY?

"Plumbing and electrical work shall not be undertaken except by persons licensed to perform such work pursuant to law, except in the case of a single family homeowner on his own dwelling. The seal and signature of the licensed plumbing and electrical contractor shall be affixed to the corresponding subcode application form." (See NJAC 5:23-2.15(b)2i,ii.)

The above code section is familiar and straightforward, and therefore should be easy to enforce, right? Under most circumstances, this is probably so. Things are not always as they appear, however, and this includes the aforementioned "seal and signature." When a general contractor supplies signed and sealed construction documents along with an application for a permit or plan review, how can you be sure the signature and seal are authentic? Even though it takes extra time, each signature and seal should be examined. Not everyone can be Sherlock Holmes, but if there appears to be something wrong with the signature or seal (if they are illegible, for example), just call the plumber or electrician and ask to have the information verified.

Also, compare the signatures on all technical sections of the application. If they appear to match each other (even though they were supposedly signed by different people), you may have another problem on your hands. This situation occurred in my town, and we discovered it accidentally when the control person called the plumber to obtain a schematic, only to find that he knew nothing at all about the job in question. As in the case of the illegible seal, calling each subcontractor to verify the job should be enough to give you the information you need.

How do you deal with legal problems such as these? You can fine the contractor and deny the permit. You can

(Continued on page 4)

talk to your town attorney or corporation counsel if you need legal advice. Referral to the prosecutor is a possibility. You might also let other construction officials in your area know what happened -- they may have run into similar situations.

As custodians of the state code, we are often the only line of defense against such violations of the people's trust, as well as their health and safety. So examine those seals and signatures, and if you are doubtful of their authenticity, check them out.

Source: Steve Negri
Construction Official
Borough of Westwood

LIMITED AREA SPRINKLER SYSTEMS

A limited area sprinkler system (see 1990 BOCA Building Section 1005) is an automatic sprinkler system consisting of no more than 20 sprinklers in a room or space. This system provides the same protection as a full sprinkler system, but is used in smaller applications that require suppression (such as boiler rooms, storage areas, workshops, etc.), but which are in buildings belonging to a use group which does not require suppression. Certain items associated with sprinklers are not required on limited area systems, including alarms and alarm attachments, fire department connections, and inspectors' test connections. The system must be designed using hydraulic calculations. Pipe scheduling of these systems is not permitted. Limited systems can be used only in rooms or areas enclosed with construction assemblies as required by the building code.

The limited system is supplied as follows:

a) When the building is equipped with a standpipe that complies with 1990 BOCA Building Section 1012, this standpipe will supply the system.

b) When no standpipe is available, the domestic water supply may be used. The following additional requirements must then be met:

1) The domestic supply must be adequate to support a system designed with the largest number of sprinklers in any enclosed area.

2) There must be a check valve at the point where the sprinkler piping is connected to the domestic system.

3) There will be no shut-off valve in the sprinkler piping. The domestic water control valve will control the system.

Source: Robert Hedden
Construction Project Review

LICENSING AND LICENSE UPGRADING

The following colleges offer Uniform Construction Code licensing courses. For information on specific courses, please call the coordinator at the appropriate college. Control people are also encouraged to take courses. All participants are eligible for a 70 percent tuition remission after a log number is issued.

Atlantic Comm. College: James Foran
609-343-4984
Bergen Comm. College: Lisa DiBisceglie
201-447-7161
Brookdale Comm. College: Eileen Rainsford
201-842-1900, ext. 304
Burlington Co. College: Diane Cook or Mary E.Angell
609-894-9311, ext. 478
Camden Co. College: Matt Davies
609-227-7200, ext. 486, evenings ext. 224
Cumberland Co. College: Mike Zaccaria
609-691-8600, ext. 322
Essex Co. College: Carl Weininger or Nora Rappel
201-228-3971 (W. Caldwell) or 201-877-3439 (Newark)
Gloucester Co. College: Bill Mays or Vanel Perry
609-468-5000, ext. 254/263
Mercer Co. College: Betty Johnson or
609-586-4800, ext. 278/281 Linda Milstein
Middlesex Co. College: Dan Cullinane
201-906-2556
Morris Co. College: Bruce Perkins
201-361-5000, ext. 233
Ocean Co. College: Debra Speaker
201-255-4000, ext. 2268
Raritan Valley College: Charles Speierl
201-526-1200, ext. 8874
Union Co. College: Joann LaPerla
201-709-7611/7612

The next date for the National Certification Test Modules is July 28, 1990, with a registration deadline of July 2, 1990. Call ETS at 609-921-9000 for information.

Source: Daniel J. McInerney
Education Unit
Bureau of Technical Services

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NOTICE: DEDICATION BY RIDER

Commissioner Primas has submitted a proposal to modify the adopted Dedication by Rider regulations. The following is quoted from the summary statement:

> The Local Budget Law provides two separate methods for the appropriation of dedicated revenues. If the amounts of such revenues are subject to reasonably accurate estimate in advance, such revenues are to be stated in a municipality's budget in accordance with their respective sources together with the appropriations for the purposes to which such revenues are applicable NJSA 40A:4-36. If, alternatively, the amounts of such revenues are not subject to reasonably accurate estimate in advance, then such revenues may, with the approval of the Director of the Division of Local Government Services, be appropriated through use of a budgetary rider. NJSA 40A:4-39.

For the complete text of the proposal, see the *New Jersey Register* dated June 18, 1990.

Source: William Hartz
Chief, Bureau of Technical Services

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WHAT YOU SHOULD KNOW ABOUT LICENSE RENEWAL

New Jersey Uniform Construction Code licenses must be renewed every two years. The effective date of renewal is either February 1 or August 1 of the year of renewal, depending on the date a license was initially awarded by the Department of Community Affairs.

Essentially, the license renewal process takes place as follows. A license renewal application is mailed out 90 days prior to the date your code official licenses are due to expire (incidentally, all will expire on the same date). This early mailing allows you to make up any seminars you might need, and gives you a chance to return the renewal form plus the $30 non-refundable fee in plenty of time before your licenses expire. (Note that the renewal fee is $30 regardless of the number of licenses being renewed.)

If a license is not renewed, either the application and fee have not been received or you lack some continuing education seminars. In either case, you should call the Licensing Unit at least three weeks prior to the expiration date to find out how to avoid having your licenses lapse.

For each year or partial year that your licenses remain lapsed, a late fee of $30 is charged in addition to the basic renewal fee. Additionally, you have to make up the annual training requirements for each expired year. Licenses that have been lapsed longer than two years are NOT renewable; you must reapply for them according to licensure requirements and documentation standards currently in effect.

Should you have questions concerning the renewal process, please call the Licensing Unit at 609-530-8803.

Source: Frank Salamandra
Supervisor, Licensing Unit
Bureau of Technical Services

The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may be directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816.

1990 BUILDING SAFETY CONFERENCE -- A BIG SUCCESS!

On April 18-20, the 9th Annual Building Safety Conference was held at TropWorld in Atlantic City. All reports rated it the best Building Safety Conference to date.

One of the conference highlights was the Cracker-barrel, the opening event on the evening of April 18. Over 250 inspectors attended this session, which consisted of 38 round table discussion groups, each dealing with a different code-related topic. Inspectors could participate in any discussion and would move to another table when the signal was given. There was time for each inspector to attend three tables.

On April 19 and 20, 681 inspectors attended two of the 24 training seminars that were offered. All of the seminars received very good ratings, but the two highest rated programs were "Construction Code Enforcement Techniques" with Gary Lewis as the instructor, and "Non-Structural Plan Review," taught by William Merchut.

Another highlight of the conference was the Inspector of the Year luncheon, where Commissioner Primas and the four inspector associations presented awards to the four inspectors of the year. The recipients of these awards were:

Building:	William J. Howard, Jr.
Fire Protection:	Bruce I. Wingate
Plumbing:	George E. Hamlin
Electrical:	John J. Schneider

Our congratulations to these four individuals for their outstanding achievement.

As excellent as this conference was, we have no time to rest on our laurels. It is already time to start working on the 10th Annual Building Safety Conference. We have signed the contract that should allow us to hold the biggest and best conference yet. We will be at the Taj Mahal Resort in Atlantic City on May 1-3, 1991, so mark your calendars! More information to follow.

Source: William Hartz
Chief, Bureau of Technical Services



Above: John J. Schneider, 1990 Electrical Inspector of the Year, and the late Joseph R. Wagner, President of the Municipal Electrical Inspectors Association of New Jersey.

Below: Gerard Garafalow, President of the Building Officials Association of New Jersey, and William J. Howard, Jr., 1990 Building Inspector of the Year.



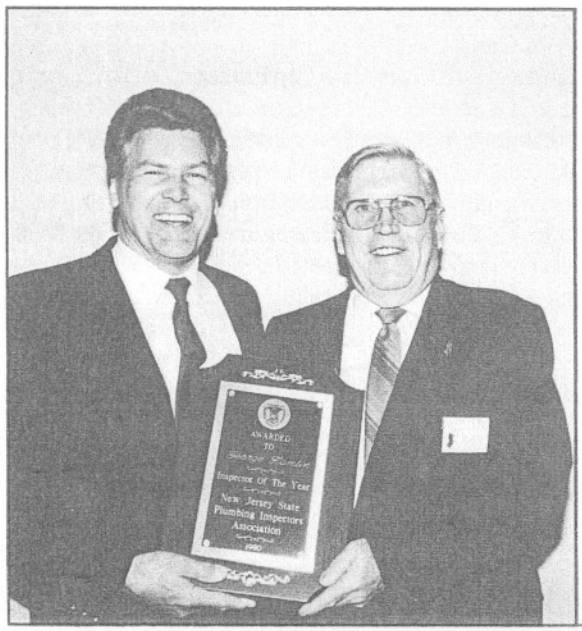
SPOUSES' PROGRAM

Nearly 120 women participated this year in the Spouses' Program of the Building Safety Conference. The festivities began with a wine and cheese reception, which provided a relaxing opportunity to renew old acquaintances and make new friends. Most of the group took off early the next morning for a bus trip to Cape May. The weather was perfect for a guided tour, tasty lunch, and a shopping trip in the Victorian street mall.

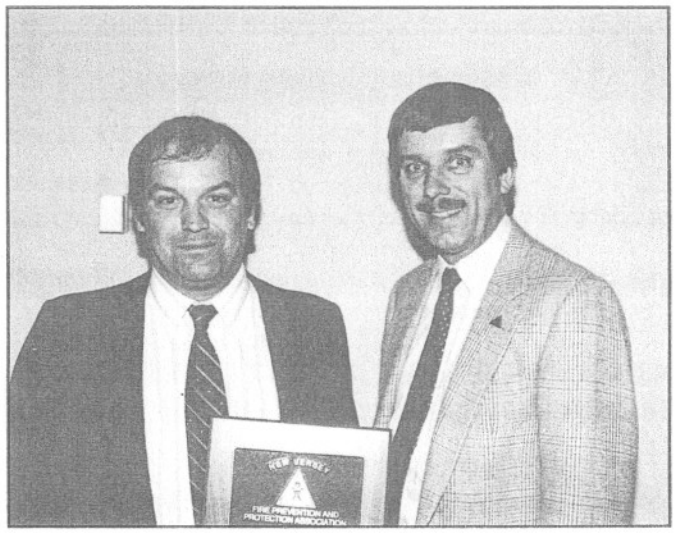
Those who stayed behind for the in-house program enjoyed shopping in a trendy fashion boutique that offered unique clothing and jewelry items, plus tips on the latest dress, make-up, and color schemes for the coming seasons. The program concluded on Friday with a basket design demonstration that was exceptionally well delivered and enjoyed by all. Two lucky women went home with beautiful filled baskets that were raffled off during the show.

Everyone enjoyed the program that was presented this year. There was a camaraderie among the women who knew each other from previous years, and newcomers were warmly welcomed to the group. I especially appreciated the encouragement and acceptance extended to me and the other hostesses, Debra Jones and Cecilia Heredia. It was a pleasure to meet and work with everyone, and we look forward to another exciting and successful program next year.

Source: Joanne McDonald
Housing and Development



Below: George E. Hamlin, 1990 Plumbing Inspector of the Year, and Thomas McGarrity, President of the New Jersey State Plumbing Inspectors Association.



Above: Bruce I. Wingate, 1990 Fire Protection Inspector of the Year, and William I. Schultz, President of the New Jersey Fire Prevention and Protection Association.

THE MYTH OF THE PRIVATE SECTOR: NEW HOME WARRANTY PROGRAM

For those of us who have careers in public service, nothing grates more than the assertion that the services we perform would be more efficiently delivered by the private sector. For the past three years I have served as administrator of New Jersey's New Home Warranty Program, and I would like to share some observations that support an argument against this unfair assertion.

The New Home Warranty and Builders' Registration Act was enacted in 1978, and provided that all new homes sold in New Jersey would be warranted by the builder and that the builder's warranty would be backed by a plan of insurance. The law also defined a method for resolving disputes over warranty coverage without resorting to the courts.

The organized builders saw this legislation as a way to make a positive contribution to the debate over how to better protect consumers from an industry which had a reputation for running roughshod over them. The new law would enable builders to delineate an objective quality standard for homebuilding, and reduce the likelihood of litigation.

Several years earlier, some builders had already begun marketing homes with warranties backed by the Home Owners Warranty Corporation. Some builders would be unable to obtain private warranty plan backing, however, so the New Home Warranty Security Fund -- the State Plan -- was created as the warranty plan of last resort for these builders. Even the legislature did not expect this plan to succeed: the Act expressly stated that if the State Plan did not have the resources to pay claims, it would not get a bail-out from the taxpayers.

The Department of Community Affairs was charged with the responsibility for implementing the new law. This responsibility involved developing a dispute resolution mechanism and a claim settlement function for homes that would be enrolled in the State Plan; implementing a requirement that all home builders be registered; and scrutinizing private warranty plans before allowing them to back the warranties offered by New Jersey builders.

After ten years, not only has the New Home Warranty Program not had to raise its rates to meet anticipated shortfalls, it has built a healthy reserve of over $50 million to meet unanticipated problems of the future. By the end of this fiscal year, the program hopes to announce the enrollment of the 100,000th new home. This volume of business makes the State Plan second largest in New Jersey compared with the five approved private plans. For over eighty percent of the registered new home builders in New Jersey, the ''plan of last resort'' has become the plan of first resort.

There are many reasons for the success of the New Home Warranty Program. At the outset, the New Jersey Builders Association and the Home Owners Warranty Corporation of New Jersey were instrumental in the development of warranty standards and the principles of warranty protection which continue to guide the program today. Ensuring that home purchasers would actually receive a warranty has been accomplished through the diligence of local construction officials. More than any other aspect in the administration of the Act, local enforcement of the warranty requirement has served to educate builders, real estate agents, and lenders of the requirements of the law. Moreover, with a compliance rate of over 99 percent, the New Home Warranty staff has been able to concentrate more on taking action against bad builders than on chasing people whose only crime was ignorance of the law.

Eventually, many builders preferred to stay in the State Plan even after acquiring the experience necessary to qualify for private warranty protection. Despite the greater premium charge, these builders came to rely on the level of service that the New Home Warranty staff provided. How many businesses can brag about charging twice as much as the competition and not losing customers?

The New Home Warranty Program continues to be unique in the country. One reason is that the staff recognizes that as a public agency not only regulating, but actually competing in a private sector industry, getting by was not enough. No other statistic has more meaning than the fact that, without press releases or advertising, the State Plan has come to be recognized throughout New Jersey as the best deal for the new home purchaser. As public servants, it is for this -- not profits -- that we compete. So, the next time you hear complaints about the inefficiency of the public sector, just remember this article.

Source: Peter Desch
Chief, Bureau of Homeowner Protection

BOCA RESEARCH REPORTS

Recently I attended a meeting where several inspectors commented that they had to accept a BOCA "listed" product even though they didn't like it. Obviously, there is some confusion as to what a BOCA Research Report means. The following material is taken directly from the BOCA pamphlet on Evaluation Services.

WHAT IS A RESEARCH REPORT?

The BOCA National Codes require an objective engineering analysis to determine the conditions, if any, under which a product, method, or agency may be accepted as complying with the codes. A research report is intended solely for the use of the code official as an aid to fulfilling, in a timely and consistent manner, his or her evaluation responsibilities under the BOCA National Codes.

Each report is prepared by a member of the BOCA Evaluation Services staff, and reviewed and balloted by a committee of active code officials. Each report describes a product, method, or agency; documents a product's performance as evidenced by supporting data; and defines what limitations may apply to the subject of the report for its use under the BOCA National Codes.

CAN CODE OFFICIALS ACCEPT REPORTS AS EVIDENCE OF CODE COMPLIANCE FOR ALTERNATIVE MATERIALS AND EQUIPMENT?

The exact purpose of each report is stated in the report and is intended to aid the code official in his decision. Section 107.4.2 states that, "Supporting data, when required by the code official to assist in the approval of all materials or assemblies not specifically provided for in this code, shall consist of duly authenticated research reports from approved sources."

IS REPORT ISSUANCE AN "APPROVAL"?

Absolutely not! Only the authority having jurisdiction - i.e., the state or local code official -has authority under the code to approve (or reject) building components. Research Reports are intended to be used, all or in part, as a technical aid to the code official in fulfilling his or her evaluation responsibilities as required under the BOCA National Codes. The Procedures for the BOCA Evaluation Services specifically prohibit any statements or implications that a report is an "approval."

For further information contact BOCA Evaluation Services, Inc., at 708-799-2305.

Source: William Hartz
Chief, Bureau of Technical Services

STATE TRAINING FEES

The Department recently amended the UCC regulations concerning state training fees. In July 1989, the training fee rate was increased to $.0014 per cubic foot. In February 1990, the department formalized by regulation the quarterly reporting procedures that had been in effect via department letter since 1985. To assure the proper transmittal of fees, municipalities should follow these procedures:

* State training fee quarterly reports (R840.A) must be submitted with attached municipal check within 30 calendar days following the close of a quarter.

* Cubic volume indicated on the quarterly reports must be accurately reflected in the check amount (cubic volume x $.0014 = check amount). Municipalities may round to the nearest dollar.

* Cubic footage for exempt buildings should be noted at the bottom of the quarterly report. This will account for any apparent shortage indicated when the system fails to match reported cubic volume and your municipal check.

* Vouchers will not be accepted under any circumstances. State training fees are state funds and the municipality serves as the custodian of these funds. The state is not a vendor and may not sign vouchers. Municipalities may set up a special trust account or arrange internal signoff in order to facilitate state training fee submittals and accommodate municipal accounting requirements.

* Checks must be submitted on a quarterly basis. Please do not submit monthly checks.

* Municipalities failing to submit check and report within 30 calendar days will be placed on a delinquency list. The Bureau may initiate appropriate sanctions permissible under NJAC 5:23-5.25 in delinquency cases.

The office control person and municipal finance personnel should be aware of the above procedures. Any questions regarding state training fees should be addressed to Henry Riccobene at 609-530-8838.

Source: Henry Riccobene
Bureau of Regulatory Affairs

SETTLEMENT PROGRAM

Two Bureaus in the Construction Code Element will be working with the Office of Administrative Law in a new experimental program this summer. The Bureau of Homeowner Protection and the Bureau of Regulatory Affairs will offer a settlement conference before a neutral administrative law judge in several types of New Home Warranty and Regulatory Affairs cases.

At present, after an order is issued, settlement conferences with Element staff are offered at the Element offices before a case is sent to the OAL. Under the experimental arrangement, cases will be sent directly to the OAL for mediation. The administrative law judge in this early settlement conference will not be the same judge to hear the case if settlement efforts are unsuccessful.

At the early settlement conference, the parties involved will attempt to resolve any disputed issues and settle the matter before a hearing. An attorney may appear with the petitioner, although this is not required and no deputy attorney general will be present.

The Bureaus involved look forward to working with this program, which will provide a way for parties to present cases before a neutral third party and avoid litigation.

Source: Vivian G. Lopez
Chief, Bureau of Regulatory Affairs

AUTHORIZATION FOR ELECTRICAL INSTALLATIONS

An electrical construction permit and an inspection of the finished work are the minimum requirements for all electrical installations.

The following installations may be performed by non-licensed personnel: 1) electrical systems of 0 to 10 volts; 2) fire or burglar alarm systems of 0 to 30 volts; 3) wiring in a single family house by a resident homeowner.

Requirements for other installations that may be done by non-licensed personnel can be found in the Board of Examiners of Electrical Contractors law in Section 18 of P.L. 1962, c.162 of NJSA 45:5A-18.

Source: Robert Mensak
Bureau of Construction Project Review

THANKS, BUT NO THANKS

Hard to believe that someone would send gifts to a DCA employee? Believe it or not, it happens quite often, and we cannot accept them.

Several units in DCA are set up to serve the code enforcement community. Code Assistance and the Education Unit are two of these. Sometimes, people send gifts to thank us for helping them out. **Please don't.** All gifts we receive must be returned, and we have to process a lot of paperwork explaining why we got the gift, and when and how it was returned.

A simple ''thank you'' will do, or a note to the person's supervisor. We're happy to help, but no gifts, please!

Source: William Hartz
Chief, Bureau of Technical Services

RECORD-KEEPING PROCEDURES

After nearly five years reviewing municipal construction code enforcement offices around the state, we have noticed patterns of incorrect compliance with the Uniform Construction Code. We would like to offer some hints to help you avoid some procedural errors, which will in turn help you to avoid any negative consequences arising from an audit by the Municipal Monitoring Unit.

As you know, information on basic record keeping is found in 5:23-4.5 of the UCC book. A brief synopsis follows.

1. Files: Job files are comprised of properly completed forms and documents, including the construction permit application jacket, the permit, pertinent technical sections, Application for Certificate of Occupancy and the C.O. itself, all prior approvals, a current set of plans, homeowner's warranty documentation, and any technical data required. See NJAC 5:23-4.5(b)2 for a comprehensive list of required forms.

2. Logs: The enforcing agency is required to keep four logs: the Permit Fee Log, Inspection Logs (for each subcode), the Certificate Log, and the Ongoing Inspections Log for elevators and escalators. Many agencies use ledgers of their own design. This is fine, as long as the ledgers comply with the regulations stipulated in NJAC 5:23-4.5(c)2.

Plan review can be recorded on the plans. The date and the name or initials of the subcode official as well as those of the construction official should appear, as specified in NJAC 5:23-2.16(e). For locally mandated housing or apartments, use a locally designed form. Bulky plans should be stored separately from the job files, but should be kept readily accessible. Closed files which have been inactive for three years may be placed in remote storage.

When recording revenues on the Permit Fee Log, do not record non-construction revenues (such as inspections for resale housing or change of tenant, contractor licensing or property maintenance fees), as they are sometimes erroneously included with construction fees when monthly and quarterly reports are compiled.

If you have any questions about the Municipal Monitoring Program, call Philip van Leeuwen at 609-530-8838.

Source: Philip van Leeuwen
Bureau of Regulatory Affairs

RADON HAZARD SUBCODE

As per NJAC 5:23-10, the Radon Hazard Subcode has been adopted in New Jersey effective May 7, 1990. The original proposal was published in the *New Jersey Register* of December 4, 1989, and all modifications to the original proposal appeared in the *New Jersey Register* of May 7th, 1990.

In the next few weeks, the final print of the subcode shall be mailed to those who are on the mailing list for UCC Update Services and to licensed code officials. Meanwhile, the afore-mentioned issues of the *New Jersey Register* may be consulted for guidance.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

EDUCATION ALERT

In early August, you will receive your biannual inspector's transcript report from Educational Testing Services. The transcript will list all courses you attended during the most recent licensing cycle. Using your transcript and the continuing education brochure you will receive from Rutgers University at about the same time, you can schedule seminars for the fall semester. Remember to refer to your most recent transcript to avoid repeating seminars you have already taken.

Please try to spread your seminars across the entire two-year licensing cycle, rather than leaving them all until the last minute. We impose a limit of two seminars per semester. If other seminars interest you, however, you may call us a few weeks before they occur, and if there is still room, we will gladly give you the opportunity to attend.

Source: Daniel J. McInerney
Education Unit
Bureau of Technical Services

RECENT CODE MODIFICATIONS

Continuing directly from the list in the Spring 1990 *Communicator*, here are more UCC Code Change adoptions. The numbers after the date indicate volume and page.

NJ Register Date:	Adoption:
5/7/90	22NJR 1356(a) Radon Hazard Subcode 22NJR 1355(b) Barrier Free Subcode administrative corrections to 5:23-7.3, 7.50, 7.116
5/21/90	22NJR 1554(a) Adopted Amendments: NJAC 5:23-3.14, 3.15, 3.16, 3.17, 3.20, and 3.21 22NJR 1632(a) Public Notice: Uniform Construction Code: effective date of 1990 model codes

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

Volume 2 Number 3

Fall 1990

PARTIAL PERMITS

The Construction Code Element is receiving an increasing number of questions concerning 5:23-2.16(g), Approval of Part. An alarming number of these questions are coming from the private sector, and are mainly asking whether construction officials have the right to arbitrarily refuse to issue a partial permit. The answer, of course, is "No." 5:23-2.16(g) states, "The construction official shall issue a permit for the construction of a foundation or any other part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this code..."

The construction official "shall" issue, not "may" issue. Whenever the word "shall" is contained within our regulations, the discretionary powers of the official are limited. In this instance, a partial permit can be denied only if adequate information and detailed statements have not been filed. A partial permit cannot be denied because the construction official has decided that it's too much paperwork, or that he or she just doesn't like partial permits. Don't laugh! These are the most common reasons we receive for denial of a partial permit.

A frequent mistake made by officials who issue partial permits is that they allow work to proceed without prior approval, misinterpreting the following:

"The holder of such permit for the foundation or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted."

This section does not authorize an official to issue a partial permit without all prior approvals in place. Only the agency responsible for the prior approval can give such an authorization.

So remember, an official cannot as a matter of policy refuse to issue partial permits, and when issuing these permits must ensure that all prior approvals are in place.

If you have any questions, please contact the Bureau of Regulatory Affairs, at 609-530-8841.

Source: Louis Mraw
Bureau of Regulatory Affairs ❑

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BEWARE OF "B" LABEL VENTS

"B" label vents are deteriorating! While the problem may not be as urgent as those experienced with another common building material, fire retardant treated plywood, there is reason for concern.

Field reports have determined that after about fifteen to twenty years of exposure, some "B" label vents are showing signs of corrosion. The corrosion occurs from the exterior of the vent to the interior along the portions of the vent that are exposed to the atmosphere. When corrosion is severe, the vent no longer functions properly and products of combustion may accumulate within the structure, causing sickness or even death. Also, when corrosion affects the weather tightness of the vent, rainfall can cause water damage to the structure.

Because of the extremely high humidity here, New Jersey is especially susceptible to the problem. While the current standard UL 441 has provisions for corrosion resistance of materials relative to exposure to flue gases, the standard apparently does not adequately address exterior atmospheric corrosion over long periods of time. There has been some discussion that a revision to the standard is needed to further scrutinize the materials from which "B" label vents are made. (The field reports show that the extent of the problem varies according to the material used in manufacture.) UL 441 currently indicates that either stainless steel, porcelain-coated steel, or aluminum may be used.

Code officials are asked to keep an eye out for the problem. In some cases the corrosion is visible from the street; in other cases the problem may be noticed while other work is being performed. Code officials should take appropriate action when the problem is encountered. In cases where deterioration is severe enough to justify action, an Unsafe Structures Notice should be issued by the construction official as provided for in NJAC 5:23-2.32. In less severe cases code officials are asked to notify owners and encourage them to have the vents replaced.

Source: Michael Baier
Code Specialist
Bureau of Technical Services ❑

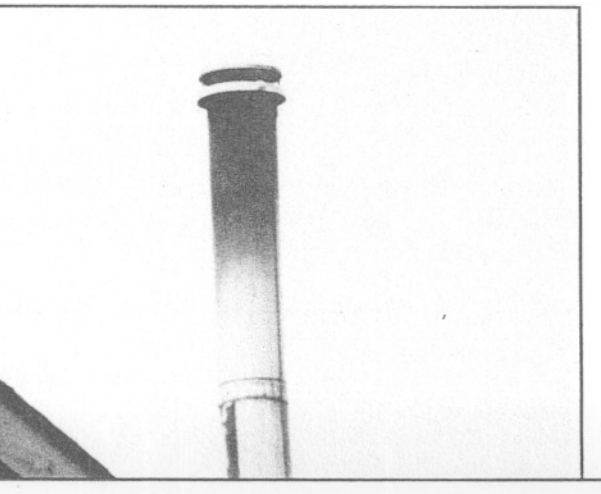
UPDATE ON THE HANDICAPPED PARKING ACT

The Handicapped Parking Act (Pl. 1989, ch. 201) was signed into law on November 29, 1989. This law aims to facilitate enforcement of the restrictions on all handicapped parking spaces whether on public or private property. To accomplish this, the law defines an appropriately marked handicapped parking space as having two signs: a sign with the international symbol of accessibility and a sign stating the penalties for violating the restrictions on that parking space. The law also defines an appropriately marked vehicle as one with either handicapped license plates or a handicapped parking placard issued by the Division of Motor Vehicles. The law also sets strict penalties for violating the restrictions on the parking space: $100 fine for a first offense and $100 and/or up to 90 days community service for a subsequent offense.

The sign with the international symbol of accessibility is the standard sign (R7-8) from the Manual of Uniform Traffic Control Devices. The required penalty sign (R7-8P) has been designed by the New Jersey Department of Transportation. The sign stating "Valid ID Required" is no longer necessary. Newly erected signs must meet these requirements. Existing signs must be modified to include the penalty sign by June 1, 1991. The major sign, the R7-8 sign with the international symbol of accessibility, must be mounted approximately 60 inches above the ground.

The Department of Community Affairs has revised the language in the Barrier Free Subcode to reflect the requirements of the Handicapped Parking Act. The revised language was published in the *New Jersey Register* on September 17, 1990. If you have any questions about the Handicapped Parking Act, please call Emily Templeton at 609-530-8789.

Source: Emily W. Templeton
Code Development ❑



Left: Deterioration of "B" label vent

BARRIER FREE SUBCODE AMENDMENTS

The Amendments to the New Jersey Barrier Free Subcode have been adopted effective August 6th, 1990. Full text of the amendments appeared in the August 6, 1990, *New Jersey Register*. Space does not permit complete details here, but some important changes are highlighted below:

1. NJAC 5:23-7.2(a) has been amended to base the scope and applicability of the Barrier Free Subcode on large buildings (total gross enclosed floor area of 10,000 square feet or more) and small buildings (less than 10,000 square feet). Large buildings will be required to have accessible entrances, facilities for the physically handicapped on all accessible floors, and elevators or other means of access for the physically handicapped between floors. Small buildings shall have accessible entrances servicing the first or ground floor areas and facilities for the physically handicapped on any other floors which are on an accessible route of travel. A fire wall or party wall shall not divide the building for the purpose of Barrier Free Subcode compliance if there are openings through these walls allowing human passage.

2. Exemption limit under NJAC 5:23-7.3(a)1 for use group R-2 or R-3 buildings has been reduced from four or fewer dwelling units to three or fewer dwelling units.

3. Other than at the entrance level or on floors served by an elevator or other means of access, all floors in large buildings having floor area less than 3000 square feet shall be exempt under NJAC 5:23-7.3.

4. The provisions of the Barrier Free Subcode shall not apply to a change of use group of a small building. Some other exceptions also apply to small buildings and historic buildings when renovated or modified as per NJAC 5:23-7.8.

5. Under NJAC 5:23-7.9(c), for use group I-3 buildings, provisions have been made to include at least one accessible inmate confinement area or room per institution, and one accessible toilet and bathing facility per institution for inmates.

6. NJAC 5:23-7.18(b)2 has been modified. In use group A-2 and restaurants only in A-3, raised or depressed areas not exceeding 3000 square feet of total floor area shall be allowed provided that at least one third of the usable net area is located on an accessible route of travel and that identical facilities and services are available on accessible levels.

7. Under NJAC 5:23-7.55(a)5 (figure 7.55d) and NJAC 5:23-7.56(a)7 (figure 7.56d) toilet paper dispensers shall be mounted at a height 1'9" from the centerline (not the bottom) of the dispenser to the finished floor. 4'-6" in Figure 7.56d has been changed to read 4'-4" to agree with Figure 7.55d.

8. Figure 7.56b for alternate stall has been modified to indicate 5-6" minimum for wall-mounted water closet and 5-9" minimum for floor-mounted water closet.

9. The grab bar mounted next to a urinal as per NJAC 5:23-7.57(b) should be 24" in length with its centerline 36" from the finished floor.

10. In Figure 7.58a for lavatories, the 6" minimum has been changed to a 6" maximum.

11. NJAC 5:23-7.61(a)3 has been modified to indicate height of grab bar for tubs at 9" above the flood rim.

12. For grab bars, NJAC 5:23-7.67 has been modified to specify its applicability to R-1, R-2 and R-3 buildings.

13. Under NJAC 5:23-7.68(a) exceptions 1 and 2 to the elevator requirement for B and F buildings have been deleted. New elevator exemptions have been provided for small buildings, large buildings with floor area less than 3000 square feet, or floors which contain only mechanical equipment, and mezzanines of area less than 3000 square feet in use group B and F.

14. The requirement for handrails (32" high and 1-1/2" clear of the walls) on all walls of the elevator car except the door side has been made mandatory under NJAC 5:23-7.72.

15. Minimum size of the platform lift has been specified under NJAC 5:23-7.80(a)1. For vertical lifts the platform shall be at least 30" wide by 48" long, and for inclined lifts the platform shall be at least 28" wide by 35" long.

16. In NJAC 5:23-7.87, assembly areas shall include only auditoriums and other similar areas which provide fixed seating for viewing a performance or event.

Some typographical errors, editorial changes, cleaning up of the figures, and so on, have also been taken care of through this amendment. The revised version of the Barrier Free Subcode will incorporate all the changes and will be mailed to those who are on the mailing list for the UCC Update Services. Extra copies can be ordered from the Publications Unit of the Bureau of Technical Services.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit
Bureau of Technical Services ❑

NOTICE

On May 1, 1989, the rules governing emergency shelters became effective. If you would like a free copy of the booklet "Rules Governing Shelters for the Homeless," write to:

Department of Community Affairs
Division of Codes and Standards
Bureau of Rooming and Boarding House Standards
CN 804
Trenton, NJ 08625-0804

or call 609-292-8184.

Source: Bureau of Rooming and
Boarding House Standards ❑

CERTIFICATE OF OCCUPANCY & CERTIFICATE OF APPROVAL WHICH IS WHICH?

Judging from conversations with construction officials, there is some confusion with respect to the conditions for which certificates of occupancy and certificates of approval are issued.

NJAC 5:23-2.23(a) and (b) state that a building shall not be occupied or used until a form of certificate of occupancy has been issued by the construction official. For example, a business office has undergone a partial alteration. That portion of the office space being altered cannot be occupied or used until a certificate of occupancy has been issued. If the alteration is incomplete, the construction official may, upon the request of the permit holder, issue a temporary certificate of occupancy, so long as the area in question may be occupied safely (NJAC 5:23-2.23(e)). No certificate of occupancy or temporary certificate of occupancy can be issued until all required utilities are installed and in service, and until the appropriate subcode officials have given their approval.

Upon request of the owner of an existing building or structure, and with the approval of the subcode officials, a continued certificate of occupancy is issued by the construction official provided that the use of the building or structure has lawfully existed, an inspection of the visible parts of the building has been made, and no unsafe conditions have been found.

A certificate of approval is issued for equipment which has significant potential for creating a public health or safety hazard. A certificate of approval is required for all equipment and installations listed in NJAC 5:23-2.23(i), and is issued for the length of time specified for the type of equipment. For example, a certificate of approval is issued on a sprinkler system for a twelve-month period. The sprinkler system must be reinspected before the certificate expires, and any violations must be corrected. A new certificate of approval can then be issued.

Source: Gerald E. Grayce
Bureau of Regulatory Affairs ❑

1990 BOCA CONFERENCE

On June 24-29 of this year, I had the pleasure of attending the BOCA Conference in Hamilton, Ontario, hosted by the Canadian Building Officials.

On Monday, the delegates had the opportunity to attend any two of eight seminars offered by the BOCA staff. The two I attended were both excellent; Jake Paul taught the one on life safety, and Ken Huckaby led the other, which covered mixed uses. On Tuesday through Thursday, code change hearings were conducted for the 1991 code. The hearings and dialogues were an exceptional educational opportunity, and those who attended were awarded technical credit toward license renewal.

At the Annual Meeting and Election of Officers on Tuesday, Charles M. Decker, AIA, was elected to the chair of President of BOCA. He was unable to attend the conference, but it was clear that those present were in favor of his appointment. In addition to this auspicious event, the Baum Award was presented to Bob Lemon, construction official for Egg Harbor Township. He was so taken by the honor that he was speechless, but we were all proud of him anyway, given his work with the Code Advisory Board and the New Jersey Building Officials. Congratulations to both men!

All of us with licenses in the building, fire, electrical, and plumbing subcodes work together as the life safety team. Show your support to the team by taking an interest in code changes and by attending next year's BOCA conference in Indianapolis.

Source: Harry M. Clayton
Construction Official
Borough of Avalon ❑

ABSENTEEISM AT THE SEMINARS

During the spring semester, the Education Unit noted a sharp increase in the number of "no shows" at the seminars. We must resolve this problem, as it is expensive and causes inconvenience for your colleagues who would have attended if space had been available.

Registrations are limited for each seminar, both by the size of the hotel meeting rooms and by the instructors, which is why we cannot accept unlimited registrations or walk-ins. Since facilities often charge us according to the number of participants we are expecting, we have to pay for everyone who is registered, whether they show up or not. Since our funding comes from the State Training Fund, not showing up when you are registered costs YOU money.

Occasional errors or conflicts are unavoidable. If, by chance, you receive a confirmation for a course you did not select, or if you must cancel your registration because of a conflict or illness, it is imperative that you call the Education Unit at 609-530-8798 to have your name removed from the roster. Please extend this courtesy to your fellow inspectors. I'm sure they will appreciate the opportunity to attend in your place.

The names of "no shows" are being recorded and those who are making absenteeism a hobby may be notified, and action taken.

We are certain that we can resolve this problem with your cooperation. When your name appears on our roster we will expect you to be there.

Source: Susan McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❑

"HELLO, THIS IS REGULATORY AFFAIRS CALLING"

It has been almost a year now since I came to this Bureau and got involved in construction code enforcement. I've logged hundreds of calls, gone out (less than I would like) with field staff, and begun to appreciate the complexity of the job of code enforcement. I thought this a good opportunity to describe what the Bureau does, and some of the reasons why Bureau staff may contact a licensed official. It's nice to have the *Communicator* as a vehicle.

Investigations

The first association made at any mention of Regulatory Affairs is often the Investigations Unit. We all deal with complaints and problems, but the Investigations staff follow through when violations of the UCC are alleged. Most complaints and questions are settled with phone calls or letters. Others become formal investigations and may ultimately result in penalties up to and including license revocation.

The other offices within Regulatory Affairs are not investigative in nature. Their functions, of course, could result in a referral to Investigations, and occasionally they do.

The Monitoring Unit

We look to the Monitoring Unit to provide municipal assistance. Monitoring staff select towns on a random basis and respond to requests for help in reorganizing record-keeping systems from new construction officials.

Monitoring staff go out to towns, request files, and perform an administrative review of the construction office. Discrepancies are often found and a letter is sent to the town describing what was found, and how any problems can be fixed. Follow-up visits are made to check on progress. There is usually improvement, but occasionally the problems are numerous and follow-up visits show no improvement. Then we talk about it and discuss whether a referral to the Investigations Unit is called for.

The town's construction official is responsible for the administration of the office. Poor or spotty paperwork (plan review signoffs, prior approvals, inspection records, etc.) can be - and often is - a signal that code enforcement is equally poor or spotty.

Direct Code Enforcement

Rarely, a "problem" project is brought to our attention and the problems cannot be resolved by the local enforcing agency. The Code permits the Department to take jurisdiction directly. The reasons for doing this can be legal or technical, but at the moment the Bureau is acting as enforcing agency for about fifteen projects. These situations have most often occurred as a result of an investigation, hence Regulatory Affairs' involvement.

State Training Fees

State training fee reports and payments come in every three months from municipalities. Even if there is no new construction activity, the report is still due. We made changes early this year in the computer training fee tracking system and need to get reports to avoid including a municipality on a deliquency list. If we don't receive a scheduled report, letters go out. If a construction official ignores two successive letters, the Bureau will try to find out why, and/or use its authority under the Code to issue sanctions.

Construction Activity Reports

The Bureau of Technical Services has gotten the CARS (Construction Activity Reporting System) running. This happened only after much planning, training, and set-up assistance, and they will continue to provide help as the system is phased over to Regulatory Affairs for input and enforcement. We are working with data processing staff and are contacting towns who send in wrong or incomplete reports. [See article on monthly reports by Henry Riccobene.]

A wealth of information is contained in those reports, whether sent in over a telephone line or through the mail. Over the next year or so, as the programmers work on it, we will be able to create reports from the information sent to Regulatory Affairs. Look for selected excerpts in future issues of the *Communicator*.

The information going out, of course, is only as good as the information coming in. Without 100 percent compliance in terms of those monthly reports, any overall report generated is inaccurate. The Code requires submission of the reports (again, even when there is no activity). Failure to send in reports (or sending in inaccurate reports) will distort the overall picture of construction activity in New Jersey, and is a violation of the Code.

Private Agency Authorization

The Bureau authorizes private on-site inspection and plan review agencies. Many towns contract with these agencies to perform subcode functions. We review agency contracts with municipalities, monitor activity, and collect authorization and annual fees. When questions or problems arise, they are either resolved or referred to Investigations.

Enforcement

Legal staff in this unit help Investigations staff throughout the course of an investigation. The unit also does much to prevent investigations by responding to such questions as what may or may not be a conflict of interest.

The Enforcement unit prepares any orders that may be appropriate, works with attorneys for litigants, and represents the Bureau in settlement conferences. Unit staff also respond to the many letters that raise legal and Code issues, and work with

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(Continued from page 5)

the Attorney General's office in the course of ongoing litigation. Enforcement is also responsible for compliance with final decisions resulting from litigation.

Construction Boards of Appeals send the Bureau copies of all their decisions. It is Enforcement staff who review those decisions and contact the Boards of Appeals when questions arise as to correct Code interpretation, composition of the Board, or other legal issues.

This concludes an overview of Regulatory Affairs and what I hope has been a clarification of why you may find Regulatory Affairs staff on the other end of the line from time to time. To date, I have dealt with many code enforcement officials throughout the state, and have found the skills and knowledge of the vast majority of licensed officials to be impressive. The Bureau hopes to maintain that high level of quality.

Source: Vivian Lopez, Esq.
Chief
Bureau of Regulatory Affairs ❑

MONTHLY REPORTS - CARS

The Construction Activity Reporting System (CARS) has been operating since January 1990. Over 200 municipalities are either transmitting their municipal monthly activity reports (Permits R812A and Certificates R811A) by modem or generating hard copy reports via UCCARS and forwarding them to DCA. The majority of municipalities are still completing and forwarding the reports required by the UCC administrative code. We are now entering these manually prepared reports into the CARS systems and have noted the following recurring problems:

Nonresidential use groups often are not itemized. All use groups must be itemized as required by BOCA.

Information covering "Public/Private Owned" and "Housing Units Gained/Lost" is sometimes not provided. Please be sure reports are complete before sending to DCA.

Wrong monthly report - some municipalities send the old monthly report (Form R810.) This form is no longer in use and will not be accepted. The current forms are R812A for permits and R811A for certificates.

A few municipalities send the actual permit and certificate logs and apparently expect DCA to complete the reports. All municipal enforcing agencies are responsible for completing their own monthly reports.

Some reports contain extraneous fee information such as zoning, resale certificates, etc. These reports are for UCC fees only. Also, please note that there is no need to include state training fees on the monthly report. State training fees are reported quarterly, on form R840A.

"Cubic Feet" and "Total Value Construction" columns are not completed on some of the reports: these columns must be completed on both reports when applicable. The "Cubic Feet" column must be completed when entry is made for "New Building Addition" column on either report. In cases such as tenant fix-ups or asbestos abatement permits/certificates where cubic feet have been previously reported or are not applicable, place "1" in the cubic feet column. This procedure is necessary only when no other cubic feet measurement has been reported for that particular use group entry.

Monthly reports that cannot be processed will be returned to the municipal enforcing agency for correction. Any questions or requests for assistance may be directed to Henry Riccobene at 609-530-8838.

Source: Henry Riccobene
Bureau of Regulatory Affairs ❑

UNDERGROUND STORAGE TANKS REQUIREMENTS AND PROCEDURES

On August 6th, 1990, the Department of Environmental Protection promulgated the Underground Storage Tank System Technical Requirements and Procedures (NJAC 7:14B). These rules became effective September 4, 1990. The rules address technical issues for underground storage tank systems including installation, closure, upgrading, and operating procedures, and also amend the Registration Requirements and Fee Rules which have been in effect since December 21, 1987. Within 30 days following promulgation, these new rules will be adopted by the Uniform Construction Code and will initially supersede any local municipal ordinances that currently exist. Municipalities will have the opportunity to retain ordinances that are more restrictive than the State rules. All underground storage tank systems are required to follow the full extent of the regulations, with the exception that residential heating oil tanks have to comply with certain portions only.

A permit from the Bureau of Underground Storage Tanks (BUST) is required for all new installations of underground storage tanks systems. The owner must submit a permit application with engineering drawings signed and sealed by a New Jersey Professional Engineer. Once the permit is granted, the owner must then obtain a building permit from the local code official, who will conduct the review. If the owner proposes to install an underground storage tank system with secondary containment (double-wall tank and piping or single-wall tank and piping within a lined excavation, or a combination of the two), then he or she is exempt from obtaining an installation permit from BUST. The signed and sealed plans and the building permit are still required, however.

All existing underground storage tank systems must be upgraded by September 3, 1991, with a monitoring system, corrosion protection, spill prevention, and overfill protection.

The owner or operator must obtain a substantial modification permit from BUST prior to upgrade, and must then obtain a permit from the local official in the municipality. Monitoring system choices include vapor, groundwater, and interstitial monitoring. In some instances, an in-tank monitor may be utilized along with an annual line test for the piping. Corrosion protection choices include the use of non-corrosive materials such as fiberglass, or cathodic protection for metallic systems which may be either sacrificial anodes or an impressed current system. Spill prevention can be satisfied by installing a spill catchment basin around the fill pipe to contain any spillage from the transfer hose. Overfill protection, at a minimum, will alert the transfer operator that the tank is nearing capacity. It can consist of either an automatic shutoff device, a restrictive flow device, or a high level alarm.

For the closure of underground storage tanks, the owner or operator must obtain a closure approval from BUST. The owner or operator must then obtain a demolition permit from the local official in the municipality. The tank must be removed whenever possible and a site assessment is conducted which, in most instances, will utilize groundwater monitoring wells to determine if any contamination is present. If contamination is discovered during any portion of the tank closure, then the facility must conduct a discharge investigation.

The Department of Community Affairs will provide a checklist replacing Bulletin 88-8 which will outline the requirements for installation, closure, and upgrading. In addition, technical guidance documents and interpretations of the regulations will be available.

If you have any questions about the underground storage tank program, the Tank Management Section within the Bureau of Underground Storage Tanks will be happy to assist you. They may be reached at 609-984-3156.

Source: Michael Kelly
Tank Management Section
Bureau of Underground Storage Tanks, DEP ❑

AIR DISTRIBUTION SYSTEMS CONTROL

It is a common belief that the 1990 BOCA Mechanical Code (section M-307.0) requires smoke detectors to be installed in the return air duct only for HVAC units having rated capacity greater than 2000 cfm. This is not necessarily true. There are many situations when unit capacities below 2000 cfm need to be equipped with smoke detectors, such as when there is air transfer from one area to another in factory buildings, modular units, educational buildings, etc., or air intermixing. If such a situation arises and total air distribution exceeds 2000 cfm, all units must be equipped with smoke detectors with interlocking arrangements. Under such an arrangement, activation of one smoke detector must shut down all the units immediately. This is important and sometimes missed by the code enforcing agencies.

A word of caution: as per the 1990 BOCA Mechanical Code section M-1603, air shall not be recirculated or transferred to another occupancy of dissimilar use.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit
Bureau of Technical Services ❑

CONSTRUCTION OFFICIAL ASSUMPTION OF NEW MUNICIPALITIES

Construction officials newly appointed to municipalities sometimes find records to be either lacking or in disarray. If records and files exist, but the "housekeeping" is poor, it is necessary to put things in proper order as soon as possible to maintain effective operations. In cases where records are lacking, notify your superiors in writing.

If you have problems relating to records/files reconstruction, be sure to follow up on all apparently open permits, even if no inspections have been documented. This will allow Certificates of Approval/Occupancy to be issued and any added assessments made. If you are unsure about the proper documents to use in the administration of an enforcing agency, consult UCC subsections 5:23-4.5(b)2 for forms, and 5:23-4.5(c)1 for logs. Call 609-530-8838 if you need additional information or special assistance via the procedural clinic, a courtesy offered within the Department's Municipal Monitoring Program.

Source: Philip Van Leeuwen
Bureau of Regulatory Affairs ❑

UCCARS CONTRACT EXTENDED

The Uniform Construction Code Activity Reporting System (UCCARS) contract has been extended until July 31, 1991. Municipal Information Systems will provide training and technical support for municipalities using UCCARS.

Presently, 247 municipalities are using the UCCARS program. If you are interested in receiving training on the program, please call 609-530-8797 and ask for Susan McLaughlin or Bill Hartz. If you are already on the system and require technical support, call Municipal Information Systems at 908-789-3463 or 908-889-6000.

Source: William Hartz
Chief
Bureau of Technical Services ❑

USING UCCARS

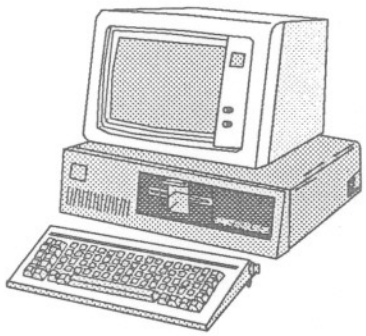
With hundreds of people now using the Uniform Construction Code Activity Reporting System every day, many users find themselves in situations that others have already been in, and often ask the same questions that have been asked before. So, we thought it would be a good idea to highlight in this column some of the more typical issues that users encounter with System I.

By far the most popular question we've heard is, "Why isn't there a way in the system to make corrections to a payment that had been input incorrectly?"

The answer is that there *is* a way, but it's not the way you're thinking of doing it.

The payment screen is different from the permit or certificate screen in that when you enter a permit and store it away, you can always call up that permit information to the screen, modify any data on the screen that you wish (including the fee amounts), and store the corrected or updated permit entry back to your hard disk. The corrections or changes you make completely override the old data. When you hit the <F2> key, everything on the screen is stored on your hard disk in the same place that the old permit entry was stored, and the old data no longer exists.

On the other hand, once you store a payment transaction into your computer, you can never call it back up to the screen. We did not forget to program in the ability to recall an existing payment record to the screen so you can modify it - this was omitted deliberately. The reason you cannot modify payment records once they have been stored is strictly one of security and data integrity. Auditors don't like people to be able to alter records of cash transactions.



OK, so you made a legitimate error when you entered the record of payment and typed in $155 rather than $150. No problem. Think of the record of payment data stored in computer like your checkbook entries. When you enter a wrong number for the check amount, it's usually not until several checks later that you realize your error. And the way that you make the correction is not by erasing the original entry, but by making a new entry (the difference between the amount you entered and the actual amount of the check) to adjust the current balance.

In UCCARS you correct wrong payment transactions i exactly the same way. You don't erase or modify the original entry - the auditors wouldn't like that. Instead, you post another entry which adjusts the amount of payment you've received. It's not so important that an individual payment record has the wrong amount. What is very important to you is that the total of the amounts in all the payment and adjustment records for a given permit is correct. And what is of utmost importance to the auditors is that no payment entry is ever modified - rather, additional, adjusting entries are posted when corrections are required.

To post an adjustment, go back to the Main Menu. Select "Enter Data," and enter your third-level password (default is "PWD3"). Now you can select the Adjustment screen. Note that if you are using a lower level of password, UCCARS will not let you into the Adjustment screen.

Now enter the number of the permit, permit update, or certificate that has the wrong payment amount. The upper right corner of the screen will display the total amount of the fees, the total amount of all payments and adjustments that have been posted, and the balance due. If the balance due is zero, stop here; no adjustments are necessary.

Going back to our example above, if the fees were only $150 but you recorded $155 in payments, the balance due will show up as -$5. This means that the applicant overpaid by $5. Fill ou the rest of the screen with your initials, the adjustment date, and the adjustment amount which would be -5 (exactly what is shown for balance due). At this point hit the <F2> key to store the adjustment record.

To see if you made the correction properly, call up the Payment screen and enter the permit number for which you just made the adjustment. In the upper right corner, the total amount of all payment and adjustment transactions should equal the total amount of the fees ($150), and the balance due should be zero. Also, your Cash Receipts Audit Report should now reconcile. The total of the three columns marked Cash, Checks, and Amount Adjusted should equal the total actual payments taken in.

Tip for Reconciling

While we're on the subject of the Cash Receipts Audit Report, the most common problem users experience in reconciling it is caused by a payment transaction missing from the report. This generally occurs because the Received Date has been mistyped when the Record of Payment was entered.

When you print the cash audit report and select 'R' for Received Date, UCCARS scans all of the payment and adjustment records in the database and selects only those whose Received Date falls within the date range you specified for the report to cover. If, for example, you erroneously entered "08/08/80 instead of "08/08/90" for a particular payment, that payment

will never show up in any of this year's reports. To find the missing payment record, specify that the report is to cover Posted Dates rather than Received Dates.

When you store a payment record, UCCARS automatically stores the actual time and date at which the record is being stored along with the payment information you typed on the screen. This is called the Posted Date. It is derived from the internal clock/calendar built into your PC, and thus is not subject to typing errors.

So, if the Received Date has been mistyped on the Payment screen, you may never print out a Cash Receipts report whose date range covers the mistyped date. The way to find this missing payment record is to print out a report that selects on the Posted Dates of the payment records, and to specify a date range that covers the period during which the error was made.

Source: Stan Kosciuk
President
Municipal Information Systems ❑

BELOW GRADE PARKING IN FLOOD HAZARD AREAS

A Zones - Residential Structures

Below grade parking areas are prohibited since the lowest floor (including the basement) of such structures must be elevated to or above the base flood elevation. Enclosed parking areas that are at or above grade are permitted, provided that the openings requirement is met in accordance with Section 2101.6.3.3 of the BOCA National Building Code/1990.

A Zones - Nonresidential Structures

Below grade parking areas are permissible if they are floodproofed in accordance with Section 2101.6.3.4 Water Resistant Construction, BOCA National Building Code/1990 and 44 CFR 60.3(c). The entrance to the garage can either be at or above the base flood elevation or closures can be used if there is sufficient warning time. The parking areas are generally used only during normal working hours and there are full-time staff available to evacuate any vehicles and implement the floodproofing measures in case of a flood emergency.

Enclosed parking areas with floors that are at or above grade on one or more sides are above grade enclosures and are permitted, provided that the openings requirement is met.

A Zones - Mixed Use Structures

A mixed use structure having only nonresidential commercial uses on its first floor can be considered a nonresidential structure for the purpose of applying Section 2101.6.3.4 and 44 CFR 60.3(c). Below grade parking can be permitted under the same conditions as nonresidential structures.

V Zones (Velocity Zones) - Section 2101.6.4 High Hazard Zones, BOCA National Building Code/1990

Below grade parking is prohibited in V Zones. National Flood Insurance Program (NFIP) criteria 44 CFR 60.3(e)(4) requires the "bottom of the lowest horizontal structural member of the lowest floor" to be elevated to or above the base flood elevation. This requirement cannot be met, since the floor of the parking garage is the lowest floor of the structure.

Enclosed parking areas that have floors at or above grade are permitted, provided that they are constructed with non-supporting breakaway walls, insect screening, or lattice work and meet the requirements of Section 2101.6.4.2(4) and provisions of 44 CFR 60.3(e) and (a)(3).

Enclosed parking areas that have floors at or above grade on one or more sides, but below grade on one side or sides (similar to a walkout basement) are also considered to be above grade enclosures and are permitted, provided that they are constructed with non-supporting breakaway walls. However, an added design problem is that any below grade walls must function both as breakaway and retaining walls in the below grade areas of the enclosure. Otherwise, if scour and erosion were to occur, the retaining wall would become an obstruction and would transmit additional wave forces to the piles and columns.

In addition, all construction must meet the requirements of Section 2101.6.11.3.

If you have any questions, contact Bruce Wallauer, Flood Plain Management Section, NJ Department of Environmental Protection, CN 401, Trenton, NJ 08625-0401, or call 609-292-2296.

Source: Clark D. Gilman, P.E.
Section Chief
Flood Plain Management Section ❑

THE NEW REROOFING CODE

The Code Assistance Unit of the Bureau of Technical Services has been receiving many calls from roofing contractors, homeowners, and code officials about the new reroofing codes under Section 2308.3 of the BOCA National Building Code/1990 (also found in the 1989 Supplement to the 1987 Code). This article is intended to alleviate the confusions that persist among all concerned.

An important question is whether a new roof covering can be installed over an existing roof covering of wood shingles, wood shakes, or both. To answer this question, let us first differentiate wood shakes from wood shingles. *Wood shakes* are a roofing product split from logs and then shaped as required by the individual manufacturers. This type of covering does not provide a uniform, level base for a new covering, and therefore must be removed prior to reroofing (see Section 2308.3 Condi-

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tion #2 of BOCA 1990). *Wood shingles* are a sawed wood product with a uniform butt thickness per individual length and can provide an acceptable base. Therefore, the new roof covering can be applied over the existing wood shingles, as long as the existing roof and shingles are not water-soaked or deteriorated to the point that they could not provide a suitable base for a new covering (see Section 2308.3 Condition #1 of BOCA 1990). Standards for code enforcing agencies to follow for wood shingles and wood shakes are specified under Sections 2305.2.8 and 2305.2.9 of the 1990 BOCA Code.

Section 2308.3 Condition #2 further prohibits new roof covering over existing slate, clay, cement, or asbestos-cement tile roof coverings. Section 2308.3 Condition #3 prohibits new roof covering over an existing roof having two or more applications of any type of roof covering. Exceptions, however, apply where new roof coverings do not rely on existing coverings for support and all roof loads are transmitted directly to the building's structural system.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit
Bureau of Technical Services ❑

PLAN REVIEW VS. PLAN RELEASE: THEY ARE NOT THE SAME

After reviewing approximately 150 municipalities for the Municipal Monitoring Program, we have found that many construction officials make no distinction between plan review and plan release. We would like to clarify the distinctions.

Plan Review

After completing a physical review of a set of plans, subcode officials must document their reviews (with name or initials and date) either on the plans or on the technical sections. If no plans are required, just check, sign, and date the "No Plans Required" block.

Plan Release

The plan release function simply attests to the fact that all pertinent subcode reviews have been made and documented. After ascertaining that all subcodes have appropriately documented their plan reviews, the construction official must sign and date the plans to indicate his or her release of the plans for construction (see NJAC 5:23-2.16(e)).

The best way for all technical staff to determine the status of a set of plans is to have a six-line rubber stamp made and to use it on all plans. The six lines on the stamp should read: PLANS RECEIVED; BUILDING SUBCODE; ELECTRICAL SUBCODE; FIRE SUBCODE; PLUMBING SUBCODE; and CONSTRUCTION OFFICIAL.

Please direct questions relating to this topic to Philip van Leeuwen at 609-530-8838.

Source: Philip van Leeuwen
Bureau of Regulatory Affairs ❑

RECENT CODE MODIFICATIONS

The following is a continuation of the complete list of *New Jersey Register* entries of code change adoptions since the Summer 1990 *Communicator*. The numbers after the date indicate volume and page.

NJ Register Date	Adoption
6/18/90	22NJR 1915(b): Industrialized and Modular Buildings. Adopted Amendments: NJAC 5:23-1.1, 1.4, 3.11, 4.1, 4.12 through 4.15, 4.21, 4.22, 4.24, 4.26, 4.29, 4.31, and 4.39. Adopted Repeals: NJAC 5:23-4.25, 4.27, 4.28, 4.30, 4.32 through 4.38. Adopted New Rules: NJAC 5:23-4A. 22NJR 1947(a): Public Notice, Effective Date of Model Code (Energy).
7/2/90	22NJR 2001(a): Uniform Fire Code Tent Permits. Adopted Amendments: NJAC 5:18-2.7 and 5:23-3.14.
8/6/90	22NJR 2266(b): Electrical Subcode: NJAC 5:23-3.16. 22NJR 2267(a): Barrier Free Subcode. Adopted Amendments: NJAC 5:23-7.2 through 7.6, 7.8, 7.9, 7.11, 7.12, 7.17, 7.18, 7.30, 7.37, 7.41, 7.55 through 7.57, 7.61, 7.67, 7.68, 7.71 through 7.73, 7.75, 7.76, 7.80 through 7.82, 7.87, 7.94 through 7.97. 22NJR 2275(a): Records Retention. Adopted New Rule: NJAC 5:23-9.5.
8/20/90	22NJR 2503(b): Administrative Correction, Uniform Construction Code. 5:23-2.2(b), 2.10(a), 2.14(d), 2.15(b), 1. and 4, 2.37(a), 3.9(b) and (c), 3.11, 3.11A(c), 4.3(d)4., 4.9(a)1., 4.10(a) and (a)1., 5.2(a)1. and (b)2.i, 5.4(d)2. and (d)2.i, 5.5(a), 5.6(a)2., 5.7(a)2, 5.20(a)(b)2. and (b)5.ii(1), 5.21(d)1. and (f), 5.22(a)3., 5.23(a), 5.24(a), (b)8 and (d).

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services ❑

ASSOCIATES DEGREE IN CODE ENFORCEMENT

An associates degree in construction code enforcement may be a reality by January 1991, through Atlantic County College. If you are interested in the degree program, whether you are presently licensed or considering a possible career in code enforcement, call Mr. James Foran at 609-343-4984. Your name will be taken, and Mr. Foran will get back to you.

Source: William Hartz
Chief
Bureau of Technical Services ❑

The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may be directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816.

JOB BANK FORM

The job bank brings together people offering jobs in code enforcement and licensed code officials seeking employment. To be included in the job bank, please complete this form and return it to: **NJ Department of Community Affairs, Division of Codes and Standards, Bureau of Technical Services, Licensing Unit/Job Data Bank, CN 816, Trenton, New Jersey 08625-0816.**

If you are already included in the job bank because you submitted a form earlier, it is not necessary to complete this form. Your name will remain on the list.

PLEASE PRINT OR TYPE

NAME: _____ LICENSE NO.: _____

PHONE: _____

LICENSES HELD FROM THIS BUREAU:

_____ _____

_____ _____

_____ _____

SIGNATURE: _____ DATE: _____

Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

Volume 2 Number 4

Winter 1990

WE, THE SERVANTS OF THE PEOPLE

You can take courses in all kinds of things these days. Take a look at your community school adult education offerings. I haven't seen one yet on "How to Pack a Suitcase" (although it must be out there), but otherwise, training generally seems to be offered where there's a need.

There are even courses offered in Dealing with Difficult People and Dealing with the Public. Success in these areas can depend on the personalities involved. Delivering bad news, for example, in such manner as to gain respect untainted by personal animosity, is a difficult, and sometimes impossible, objective to achieve. Success can be a function of what's at issue. The recipient of a Notice of Violation and Order to Terminate can react in such a way as to flavor all future dealings h the issuing official.

Why this article out of Regulatory Affairs? Investigators in Regulatory Affairs respond to complaints. Most often, those complaints revolve around how the Uniform Construction Code is being enforced locally. But, also often, the "how" does not involve an alleged technical or administrative Code violation. Those can be investigated and ultimately resolved. What's more difficult is to address complaints that boil down to one of two problems: not taking the time to explain; and occasionally, what sounds like just plain rudeness.

The investigators spend a lot of time listening to telephone complaints, and explaining (particularly to homeowners) why a code official took a particular action. The "outer limit" extreme involves the official whose ego or, worse yet, lack of knowledge of the Code has prompted some version of the "this is my town and you'll do it my way" statement. Sometimes the official is right, and sometimes the official is wrong.

The code official's position is a powerful one. Even the proper exercise of that power can cause financial hardship and radically affect lives. And there is considerable flexibility: to grant a time extension or not; to impose a fine or not; to issue a violation or allow a correction, etc. One unsatisfactory and potentially dangerous way of dealing with the power is to back way from its use and overlook Code violations. Another, ually unsatisfactory, way is to go beyond the Code because you have the power to do it. In either case, it is the rare personality that can resist being affected in some way by the position.

Do you react negatively to negative, unpleasant people? Positively to positive, friendly people? Do you make the time to explain the "why" of what has to be done? Do you permit your reaction to influence your code enforcement actions? Regulatory Affairs does not, and cannot, take action against a licensed official for non-Code complaints. But Regulatory Affairs staff deal with these complaints on a daily basis. This type of complaint could be eliminated by an increase in care taken by the licensed official to explain, to clarify, to exercise authority in a fair and reasonable manner.

In other words, the question must be asked: Are you successful in preserving the delicate balance between the exercise of your considerable power on the one hand and your position as public servant on the other hand? How do you rate yourself?

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ❋

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MADE ELECTRODES

Keeping the resistance of selected made electrodes as low as possible is one of the most important aspects of a properly grounded system. This aspect is not given enough attention by electrical contractors and subcode officials, especially in residential buildings with non-metallic water service. The purpose of a low resistance common grounding electrode is to limit the voltage to ground of the grounded conductor, as well as equipment and conductor enclosures, to reduce the possibility of shock hazards and serious damage to electrical components.

While the lowest practical resistance of the grounding electrode is desirable and will better limit the voltage to ground, it is more important to provide a low impedance path through the grounded conductor to clear a fault promptly, because a voltage to ground fault can occur only during the periods in which a fault exists. The path through the electrodes represents high reactive parallel path of ground fault and thus will not divert any appreciable amount of current sufficient to operate the over current protective device from the main relatively low reactance path. Hence, the grounding electrode system generally has no role in clearing faults in solidly grounded systems with actual utilization voltages. Fault clearing is more of a factor on medium and high distribution voltages.

In this light, if the resistance of a rod, pipe, or plate electrode exceeds 25 ohms, an additional electrode must be installed in parallel, at least 6 feet away. Note that the second electrode is all that is required by Section 250-84 of the NEC, even if the combined resistance still exceeds 25 ohms.

This resistance to ground depends on certain factors like soil resistivity, shape of electrode, moisture content, and presence of corrosive agents in soil. Inspectors must be aware of the conditions and resistivity of the soil in their areas. If in doubt, electrical subcode officials may require the installation of two electrodes unless the contractor can prove by test that the first electrode is sufficient. Provisions for such tests are covered in NJAC 5:23-2.19.

Source: Ashok K. Mehta
Code Assistance Unit
Bureau of Technical Services ❋

SPRING 1991 SEMINAR BROCHURE

Watch your mailbox during the month of January for the new Rutgers brochure of Spring 1991 seminar selections. The brochure will have a new format: all disciplines will appear under one cover. We tried the one-brochure approach last year with the Building Safety Conference material. It was very cost effective, less confusing, and easier to mail. You'll just need to be careful that you sign up for courses in the appropriate discipline! Since each course number is preceded by a letter designating the discipline - B for building, F for fire, E for electrical, P for plumbing, and A for administrative - this shouldn't be too difficult.

Early in February start looking for your biannual transcript from ETS. This will reflect the seminars you have already taken during the current licensing period, which will in turn help you determine what you'll need to complete your educational requirements before your license expires. Please refer to this transcript before you make any course selections for Spring '91. Also, think about saving a seminar or two for the 1991 Building Safety Conference. You'll be receiving that brochure toward the end of February. If you have any questions, please call the Education Unit at 609-530-8798.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services ❋



Right: Michael Kelly, from the Bureau of Underground Storage Tanks, Department of Environmental Protection, instructs at "Underground Storage Tanks," one of the many seminars BUST provides for code officials. This popular seminar will be offered four times during the spring 1991 semester.

ELASTOMERIC SEALING SLEEVES

To be allowed or not to be allowed - that is the question. Elastomeric sealing sleeves, used to join sections of pipe that are part of the drain-waste-vent system, are not a new product. However, there still seems to be some controversy about whether they are permitted or not.

The answer is this: if the fitting material meets ASTM C564-76, which the National Standard Plumbing Code (NSPC) recognizes as an appropriate standard for neoprene rubber materials, the fittings are acceptable. The NSPC recognizes the acceptability of this joining method in several sections of Chapter 4, Joints and Connections (see 4.2.11.1, 4.2.11.2, and 4.3.8).

When the sleeves are unshielded, however, the neoprene itself does not resist shears and bending movements well. Therefore, some method of support is needed if the joint will be subject to these stresses. This may mean installing a hanger on each side of the joint, or providing continuous support under the joint such as a cradle for above-ground installations or proper bedding for underground installations.

In conclusion, elastomeric sealing sleeves are permitted if installed properly.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services ❋

DWELLING SEPARATIONS

When you have established the absence or presence of a lot line between dwellings, you have taken the most important step in arriving at the correct type and fire rating of the separating assembly. Section I below gives the regulations for dwellings without lot lines between them, and Section II offers two choices for dwellings on separate lots.

I. No lot lines between units

Two-family dwellings built according to CABO use group R-4 need a 1 hr. fireresistive rated assembly (CABO Sect. R.218) for separation. The same is true for two-family dwellings built according to BOCA (Table 401 line 5). The multiple (more than two) single-family dwellings defined at BOCA Section 309.4 require a 2 hr. rated fire partition or a 1 hr. rated partition and fire sprinklers throughout.

II. Lot lines between units

Attached dwellings can utilize either two adjacent exterior-type walls or a party wall between them to meet the fireresistive quirements, either:

A. Adjacent exterior walls need no weather resistive membrane since, as BOCA magazine of Dec. 1985 states, they "are not exposed to the elements." CABO at Section 202.1 and BOCA at Table 401 line 1 modified by Section 905.2 require each such adjacent wall to be an assembly rated 1 hr. for exposure to fire from both sides. At the roof on either side of such a combined wall, CABO has no special fire protective requirement and BOCA at Section 905.6 specifically exempts R-3 structures from the parapet requirement and its alternative roof treatment.

or:

B. The single shared party or common wall must have a 2 hr. rating and either continue above the roof as a parapet or provide the fireresistive alternative at the roof sheathing or deck. CABO at Section R-202 does allow properly rated combustible wall assemblies, but BOCA at Section 907 specifies "non-combustible material."

In order to assure that important terms in this article are understood as intended by the Codes, they are defined as follows:

Condominium, co-op, and *row house* are real estate terms only, and not applicable to code enforcement.

Fire wall: A fireresistance rated wall, having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof (see Section 907.0).

Lot line and *property line* are used interchangeably by BOCA and CABO to denote the border of a parcel of land.

Party wall (See BOCA "Wall" definitions): A fire wall on an interior lot line used or adapted for joint service between two buildings.

Townhouse appears in CABO only: "Single family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two sides." This definition is more limited than the common real estate application of this term.

Please note that buildings of use groups R-3 and R-4, construction classification 5 as regulated by BOCA/1990 and 1989 CABO, are the only subjects of this discussion. Mixed use separation regulations are not covered here.

Now to sum up: first, determine if there are individual lot lines. If not, apply Section I. But, if a dwelling stands on a parcel of land which is individually owned by the dwelling owner and bordered by lot lines, apply Section II, A or B.

Source: E.Maria Roth
Code Assistance Unit
Bureau of Technical Services ❋

BASIC FIRE PROTECTION INSPECTOR RESPONSIBILITIES

There appears to be some ambiguity regarding specific subcode responsibility for various inspection elements of some buildings. In the case of a single-family residence, the fire protection subcode inspector must inspect all such new structures (including additions) for the presence and operation of smoke detectors and heating unit installations. In many municipalities, the electrical inspector checks the smoke detectors. A Fire Subcode Technical Section (UCC form F-140A) must be issued in all cases and inspections annotated as well as that for plan review.

Source: Philip van Leeuwen
Bureau of Regulatory Affairs ❋

BARRIER-FREE SUBCODE ADVOCATES

During the past year, the Education Unit of the Bureau of Technical Services has held three training sessions for barrier-free subcode advocates; nearly 150 advocates have been trained. The comprehensive, two-day session includes a section-by-section review of the Barrier-Free Subcode and a clear delineation of the responsibilities of a barrier-free advocate.

The primary responsibility of the barrier-free advocate is to provide testimony at hearings held by the Construction Board of Appeals. Occasionally, the advocate may be asked by a construction official for an opinion on accessibility. It is important for all concerned to recognize that the barrier-free advocate can give an opinion only; the advocate **cannot** make a technical judgment and **cannot** give an interpretation of either design or law. Barrier-free advocates may not charge a fee for their services.

The Education Unit is in the process of collating an updated list of barrier-free advocates. The list is arranged by county and includes the names of all the trained advocates willing to serve in the county. Once complete, the list will be mailed to all county offices on the handicapped. A construction official or a member of the Construction Board of Appeals who would like the names of barrier-free advocates in his or her area should call the Education Unit in the Bureau of Technical Services or the Office of Code Development in the Construction Code Element.

Source: Emily W. Templeton
Code Development Unit ❋

PERMIT NUMBERING

During our enforcing agency monitorings, we encounter some very unusual numbering sequences for permits. Standardizing permit numbering sequences statewide is recommended as follows:

On the first business day of each new year, begin permit numbering by utilizing the last two digits of the year and -0001 and so on. As an example, your first permit number for 1991 will be 91-0001. This will allow you to easily compare your permit traffic with any past year by comparing dates of issuance. Note that this system is compatible with the UCCARS system. When all open permit files are consolidated in such order separately from closed files, you have, in effect, a perfect tickler file for following up on open permits, since they are issued on a chronological basis by permit number.

In no case should numbers preprinted on receipt books be used. Be sure to issue only *one* permit number per job instead of numbering each subcode separately (we have seen this in some municipalities). All permit updates should have the same number as the original permit. Never continue numbering through from one year to the next, but start at -0001 on January 2 of each year, as described above. And incidentally, when issuing certificates, make the certificate number the same as the permit number for the same job.

Source: Philip van Leeuwen
Bureau of Regulatory Affairs ❋

ELECTRICAL WORK ON SCHOOL PREMISES

Frequently, concerns are raised by code officials about the exemptions provided under the Electrical Contractor's Licensing Act of 1962, which permit one of the regular employees of a school district to perform electrical installation work even without having the electrical contractor's license. Uniform Construction Code regulations under NJAC 5:23-2.14 and NJAC 5:23-2.18 concerning the issuance of permits and inspection of work are still applicable for all electrical works performed on school premises.

The Uniform Construction Code is more concerned about the end result - that is, the quality of construction work for the purpose of ensuring safety to life and property. For this reason, code officials should be more alert when performing inspections in schools of electrical work which may have been done by an unlicensed electrician who happens to be a regular employee of the school district.

Source: Ashok K. Mehta
Code Assistance Unit
Bureau of Technical Services ❋

ALTERATIONS MANDATED BY OTHER CODES

The purpose of section NJAC 5:23-2.4(a)7 of the State Uniform Construction Code, as explained during its adoption, is to ensure that alterations mandated under any maintenance code do not trigger the need for strict conformance with all other requirements of the State Uniform Construction Code.

Section NJAC 5:23-2.4(a)7 makes it clear that property owners of existing buildings cited under any fire or property maintenance code(s), such as the State Uniform Fire Code, regulations under the Rooming and Boarding House Act, regulations for the Maintenance of Hotels and Multiple Dwellings, or any other State or local maintenance code, will have to comply only with those codes. They shall not, as a consequence of their attempt to comply, become subject to higher standards imposed by any subcode adopted under NJAC 5:23, the Uniform Construction Code.

Hence, construction officials shall not insist that alterations mandated under various maintenance codes must conform to the regulations of the Uniform Construction Code unless the code requiring the alterations so requires. A bulletin will be issued by the Department concerning this issue.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit
Bureau of Technical Services ❋

REVIEW COMMENTS WITHIN 20 DAYS? YES WE DO!!

Contrary to popular opinion, the Bureau of Construction Project Review does return plan review deficiency comments within 20 business days. Believe it or not, we've been doing that for almost two years. Although from time to time certain subcode reviews did not meet the 20-day requirement, for the most part comments were returned in a timely manner. This delay was primarily due to our inability to fill vacancies because of various hiring freezes. Most of that is behind us now, and although there are still a few vacancies, the deficiency comments are being sent out in a timely manner.

All too often we hear the complaint that we require too much detailed information on the drawings. The consultants should keep in mind that this bureau does not have the opportunity to perform field inspections. Also, we cannot assume that all contractors or local code officials know all the code requirements from memory. Consequently, if all the appropriate information is on the drawings or in the specifications, then one can just fer to those documents at the job site, and code compliance is relatively simple matter.

In order to assist the applicants, a Plan Review Application Guide has been developed by the bureau and is provided to all applicants. A series of checklists is included in the guide to help the applicant understand what must appear on the drawings and in the specifications. The most common omission made by applicants is the failure to read the checklists! We didn't develop them for our health; they are a simple tool designed to help us all work more efficiently. If you have a question regarding an item on the application or checklist, please call us. A phone number is provided in the guide for just that purpose.

A few of the most common omissions are as follows:

1. Not signing and sealing the drawings (A/Es check the licensing laws)
2. No soil certification
3. No structural calculations
4. No electrical grounding details
5. No HVAC or energy calculations (remember the energy crisis)

Again, I cannot emphasize enough the importance of reading the Application Guide, and especially those checklists, to help keep these omissions to a minimum.

Over the last few months we've been hearing that "we're in an economic slow-down." Well, so far that doesn't apply to the Bureau of Construction Project Review. There are approximately 370 active projects in various stages of review, and new submissions are still coming in at the same pace as last year. I never thought I would be hoping for a little slowdown just so we could catch our breath and fine-tune our procedures!

Enough on plan review. I would like to digress for a moment, and briefly reflect on the past. It wasn't that long ago that this bureau was carrying over 700 active projects. Reducing that number and achieving the 20-day turnaround should not be credited to the bureau chief. Part of the credit should go to my superiors, who provided the necessary computer equipment and fought for the additional positions necessary to hire additional plan reviewers and inspectors. They also gave me a great deal of latitude in managing this bureau, for which I thank them.

The greater portion of the credit for the bureau's success should go to the plan reviewers, team leaders, and clerical staff who continued to grind out all the reviews, send out the correspondence, follow up on delinquent projects, and keep the computer data and files up to date. To all of them, whose names seldom appear in print and who rarely receive public recognition, I would like to express my sincerest gratitude for all their efforts.

Source: Arthur Lange
Chief, Bureau of Construction Project Review
Acting Chief, Bureau of Local Code Enforcement ❋

INDUSTRIALIZED BUILDINGS: NEW & REVISED REGULATIONS

Recently New Jersey adopted new and revised regulations for industrialized buildings. The regulations now permit certification of industrialized building units under the following two categories:

(a) Units manufactured by New Jersey-approved manufacturers/New Jersey-authorized inplant inspection agencies (IPIA) in conformance with the Uniform Construction Code (UCC) and its subcodes.

(b) Units manufactured by other states recognized by New Jersey because their codes and code enforcement systems are equivalent to New Jersey's.

This article will address documentation, insignia, data plate requirements, and code enforcement responsibility related to category (a) insofar as they relate to the responsibilities of local officials.

Documentation

A. For factory-built portions of the construction:

Submission shall be in accordance with NJAC 5:23-4A.11(a)2; i.e., a schematic floor plan and elevations with the manufacturer citing the Department's or IPIA's identifying numbers. The manufacturer shall certify that the schematic plans are in accordance with the Department's or IPIA's approved plans. The submission should also include all field installation and connection details needed to assure code compliance as installed.

B. For site-built portions of the construction:

Necessary plans shall be prepared by an architect or engineer licensed in New Jersey (ref. NJAC 5:23-4A.11(a)3). Plans for the site-built portion of the work should include the same level of detail as any other site-built work. The plans should also show any connection or installation details needed to ensure proper installation of the factory-built portions on the site. The review and approval of such plans shall be in accordance with NJAC 5:23-4A.11(a)3.i and ii and shall be completed by:

1. The Department; or

2. The local enforcing agency for those types of industrialized/modular buildings and components listed in NJAC 5:23-4A.8(a).

Insignias

All units shall have appropriate New Jersey insignias (labels) in accordance with NJAC 5:23-4A.12(b) and (c), and 4.31(a) and (b); i.e.,

1. One modular unit insignia for each dwelling unit.

2. One modular unit insignia for each module (box) other than residential.

Data Plates

All modular buildings and building components shall have a data plate containing the information listed in NJAC 5:23-4A.9(d) and if required, 4A.12(c)2.

Responsibility

The new rules return plan review responsibility for Class III buildings to local jurisdiction. The Department assumed all plan review responsibility for both factory-built and site-built portions of all premanufactured construction except low-rise housing several years ago. This action was the result of numerous code problems discovered by the Department in new buildings utilizing factory-built construction. Those problems were often the result of confusion about which parts of the construction local officials were responsible for and which parts the inplant inspection agencies authorized by the Department were responsible for.

The Department is returning full jurisdiction for Class III to local agencies because it is now confident that with the new rules, and with improvements in the inplant inspection system which have taken place in recent years, the code can be well enforced at the local level. If this delegation of Class III structures incorporating premanufactured construction goes well, then the Department intends to delegate Class II and Class I work as well to all appropriately classified local agencies at some time in the future.

It is important, therefore, that local agencies understand and carry out their responsibilities in connection with industrialized buildings. These responsibilities are as follows:

Plan Review: The agency having plan review responsibility for the site-built portion of the work (DCA or the local enforcing agency) is responsible to ensure that the entire building conforms to the code. It should not be assumed that it will comply simply because the factory-built components carry a label. That label only certifies that those components are in accordance with the requirements of the code and information on the data plate regarding construction type and allowable loads, etc.

The agency having plan review jurisdiction should ensure that all site-built portions of the work conform to the code and, equally important, that the entire structure conforms to the code for things which depend on the arrangement of the factory-built components such as height and area, travel distance, and other code requirements. In carrying out this plan review responsibility, the Department or local enforcement agency must assume that all parts of the factory-built portions of the work comply with the code and are as represented by the information on the data plate. It is neither necessary nor permitted for the local enforcing agency or Department plan review staff to review plans for the factory-built components. That is the responsibility of the Department-approved evaluation and inspection agency which applies the label.

Inspection: The local enforcing agency is always entirely responsible for the site inspection of buildings which include state-labeled, factory-built portions as the construction progresses. The local enforcing agency is responsible to ensure that:

1. All the construction is in accordance with the approved plans.

2. The factory-built portions of the building are free from any apparent transit damage and that everything that can be visually inspected without any disassembly is in accordance with the code.

3.The factory-built portions are correctly installed and in accordance with the installation and connection plans and details which are required to be submitted with the permit application for the building.

4. Certificates of occupancy should be handled in the same way as those for conventional site-built structures. The rules, policies, and responsibilities of the local enforcing agency should be the same for both types of construction.

Finally, the responsibilities of the local enforcing agency when there are apparent violations in the factory-built portions of the construction need to be understood. Whether the suspected problem comes up at the plan review stage or on inspection, the local agency does not have the authority to order corrections. Responsibility for the factory-built portion rests with the Department-approved evaluation and inspection agency which applied the state label. Accordingly, suspected violations should be brought to the attention of the Bureau of Code Services. The Bureau will contact the evaluation and inspection agency and resolve the problem. The local enforcing agency will be informed of the outcome. Local enforcing agencies may not withhold permits or certificates of occupancy over alleged violations in the factory-built portions of the work that cannot be visually inspected. Only the Bureau of Code Services can order the withholding of a permit or a certificate in such a case, so it is important that the Bureau be notified as soon as possible when a local enforcing agency has such a concern. The local enforcing agency is, however, obligated to withhold permits and certificates and take such other enforcement action as may be necessary when there is a violation which involves the site-built portion of the work, the installation and connection of the factory-built portion, or which results from the way the factory-built components are arranged when they are assembled into a complete building.

Our intention is to include an article addressing units manufactured and certified through reciprocity in a future issue of the *Construction Code Communicator*. However, construction officials should be aware that the factory-built portions of such construction must bear a New Jersey label in addition to the label of the other state recognized by New Jersey.

Source: Robert Kaleita
Supervisor, Industrialized Building Unit ❋

THE FLABBERGASTING FREEZER FLOOR DRAIN

A code change regarding the installation of drains in freezers, coolers, and other refrigerated equipment has been received somewhat coldly by some plumbing inspectors. Pardon the pun, but because of a code change that appeared in 1989 to section 7.16.4 of the National Standard Plumbing Code, the controversy over such installations is starting to heat up. The code presently states that floor drains shall not be installed in walk-in freezers, coolers, or any refrigerated equipment, making it seem as though supermarkets and other establishments who want a drain are left out in the cold (enough already!).

When you get down to the nitty-gritty, the whole argument centers around sanitation. A drain is needed somewhere in or near the refrigerated equipment or freezer for proper cleaning. However, the presence of a drain connected to the sanitary system within a food storage area presents some health risks. Drains connected to the sanitary system allow a path for backing-up sewage to reach food. Ensuring good sanitary practice is a dirty job, but someone has to do it, and that someone in this case is the plumbing inspector.

So how safe is safe? Naturally, locating the drain outside the area where food is stored is the safest. Yet when dealing with large areas and USDA meat packing facilities, the safest way is not always practical or even allowable. For instance, the USDA requires a drain to be installed in every 500 sq. ft. of freezer area if a meat packing facility wishes to be USDA certified. So what's a supermarket to do?

The key is that drains located within freezers, coolers, and refrigerated equipment should not be connected to the sanitary system. They may be installed indirectly (see section 9.1.2). While it may not be evident that this is allowed from reading section 7.16.4, the underlying issue is keeping sewage away from food, pure and simple...well, hopefully pure, and maybe not so simple. The fact that an indirect installation meets the intent of the Code can be seen in the NSPC 1990 Code Change Guide. An information note under the code change states that drain holes in the bottom of freezers or coolers are not considered floor drains unless tied into the sanitary system. Thus, it is evident that the National Standard Plumbing Code does not consider an indirect drain to be a floor drain in the context of section 7.16.4, and therefore indirect drains are permitted.

Hopefully, this will help temper the debate over floor drains in coolers, freezers, and refrigerated equipment. In all likelihood, we will propose a change to the wording of section 7.16.4 to make the job of ensuring proper sanitation a little easier.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services ❋

ACCEPTANCE OF FOUNDATION PLANS FROM ENGINEERS

In August 1990 the Department wrote to the New Jersey Architects' and Engineers' Boards, informing them that we intended to read the "new" laws governing their practice (P.L. 1989 c. 275-277) as allowing the submission of foundation plans by an engineer, since a foundation is a "structural system," within the practice of engineering.

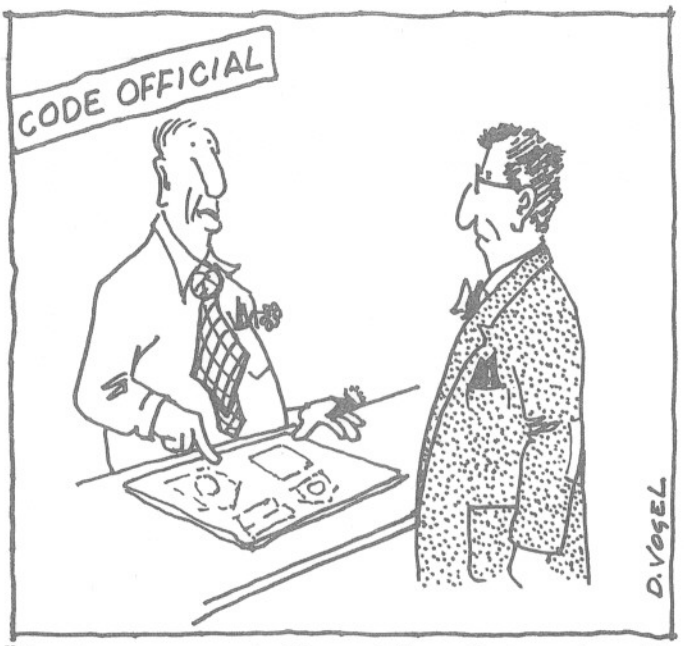
The "new" laws provide for a Joint Board which, were it appointed, would have the authority to decide all disputes. Since the Joint Board is not currently functioning, construction officials may follow the Department's decision to accept foundation plans from engineers. This may not be a uniformly popular practice with professionals in the field; however, the Department has found it to be a reasonable policy under the laws as written and currently interpreted.

Until that board is formed, local officials should use their own judgment or seek the Department's advice. Local officials should not feel that they must respond to disgruntled professionals. The Department believes that many unanswered questions surround this issue which must be settled by the joint board. Until those issues are resolved, the Department expects local officials to issue permits based on the plans submitted (if they show compliance with the code) and further expects them to refer any complaints from affected professionals to the joint board.

Construction officials should not withhold permits because the wrong kind of professional prepared them unless it is absolutely clear from guidance already provided by the Department that the architect or engineer in question has violated the law. The Department is aware of a few isolated incidents where design professionals have approached construction officials, anonymously or otherwise, in a threatening manner over this issue. We are taking steps to stop this conduct and would like to be notified by the affected construction official whenever it occurs.

Source: Chrystene Wyluda
Code Development Unit, and
William Connolly
Director, Division of Codes and Standards ❋

The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may be directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816.



"Doghouse or not, I still need foundation plans!"

A GUIDELINE FOR MUNICIPAL APPROVALS OF NONCONFORMING MATERIALS

Appropriate subcode officials have the authority to approve fixtures, appurtenances, materials, and methods not conforming to the regulations. As per NJAC 5:23-3.7, they can do so on the basis of the following considerations:

1. Those are not expressly prohibited by regulations.

2. Adequate proof is provided and/or available to show that those are of such design and quality to render them suitable and safe for the specific use.

3. Sufficient technical data and documentary evidence is furnished and/or available to prove that those can perform according to the use intended.

Tremendous responsibility for the subcode officials! Here are some tips to make their lives easier. Authenticated research reports from BOCA Evaluation Services, Inc., or other approved sources, such as ICBO and SBCCI evaluation services, contain technical details of the building products and materials and their performances under the BOCA National Codes and NJ Uniform Construction Code. These reports are not binding upon the subcode officials. But, they do provide useful data upon which code acceptance of new and innovative construction products may be based as per NJAC 5:23-3.7(c).

The subcode officials are further advised that the following procedure may be used to make a determination:

1. Identify the situation that will require their approval (covered fully or partly by code, going through a code change process, equivalency established or not, etc.)

2. Evaluate the results in test reports and research reports with the test standards.

3. Examine carefully the product labels and the reports of the test agencies and quality assurance agencies.

4. Evaluate construction details. All data collected from different sources (contractor/designer/owner) must apply to the material or method in question and must compare favorably with the performance requirements.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit
Bureau of Technical Services ❋

LOAD MANAGEMENT

In recent months the Department has received reports that at least one utility has installed load management devices without following DCA rules and without applying for municipal permits, paying municipal permit fees, and getting inspections as required by law.

On September 29, 1989, the Department adopted regulations at NJAC 5:23-2.18A, called "Utility Load Management Device Installation Programs." These rules set up a procedure for a utility to follow when installing load management devices (remote-controlled radio switches to cycle off appliances such as air conditioners and water heaters). The rules allow a utility to apply to the Department by submitting information on its devices to be installed and its installation schedule. If approved, the utility can then install **an approved device, according to submitted schedules, with departmental monitoring. One third of the total installations will be inspected by the municipalities in the schedule, and normal fees for these inspections are to be paid to the municipalities.** The program applies only to residences whose owners voluntarily agreed to participate.

Any load management devices installed by a utility which has not received approval from the Department for its program are either minor work or regular work. In either instance, the utility must apply for a permit, must pay 100% fees, and must get an electrical inspection for each installation. To date, only Atlantic Electric Company has received Departmental approval for installations on residential air conditioners and water heaters in the southern area of the state.

Any construction official who believes that devices have been installed by utilities without actual departmental approval or without municipal permits should investigate installations. It may be necessary to issue notices and penalties to the utility responsible if the required application, permit, and inspection procedures are not followed. Any questions about what activities of a utility have been authorized by DCA may be directed to Chrys Wyluda at 609-530-8789.

Source: Chrystene Wyluda
Code Development Unit ❋

USING UCCARS

Welcome back to the new "Using UCCARS" column. We started the series in the last issue of the *Construction Code Communicator* for those who have computerized their code enforcement operations via the UCCARS program. In each issue we will be highlighting a different area of UCCARS that users frequently ask about.

For you newcomers to UCCARS, you will remember that there is a very easy way built into UCCARS for correcting any typos or for modifying any information that has been entered into a permit or a certificate record. All you do is select the 'Enter Data' option of the main menu; then choose either the 'Permit Fee Log' or the 'Certificate Log' option of the next menu screen. You will then be asked to enter the number of the permit or the certificate whose contents you wish to alter.

When you enter a new permit number, UCCARS searches through your database for a corresponding entry; when it doesn't find any, UCCARS assumes that you want to enter a new permit and presents you with a blank permit (or certificate) screen for you to fill out.

When you enter the number of a permit that was previously keyed in and stored, all the previously entered data will be brought from the hard drive to the screen; you can then cursor up or down to the data item you want to change and type right over the old data. When you hit the [F2] key, any changes you have just made will be stored onto your hard drive, replacing the old data you originally called up to the screen. Remember that this technique works for permit and certificate data only. To make any corrections to actual payments you take in over the counter, refer to the last issue's "Using UCCARS" column.

What about changing the permit number itself? A valid question, because it too can easily be mistyped. The best way is to hit the [F5] key to abort the permit input process if you happen to detect your error before saving the permit. But if you don't catch it in time, there is another way.

To modify or correct the actual permit number itself, you must select the 'Enter Data' option of the main menu, then log in with the fourth-level (administrator's) password. From there you choose the 'Permit Fee Log' option of the next menu screen, and enter the permit number as it currently exists. At that point you will see the following message at the lower right corner of the screen:

(Continued on page 10)

(Continued from page 9)

[F2] modify Permit/Certificate Number, [F10] continue

If you press the [F2] key, the data for that permit is displayed so you can make sure you are working with the correct permit. You may then type a new permit number in the permit number field, directly over the old permit number. When you store the data, UCCARS replaces the old permit number with the new one you just entered.

You should be aware that UCCARS does a lot more than just change the permit number in that particular permit record. What about permit updates, or payments? The behind-the-scenes work UCCARS does includes searching for these and the following other records, then changing their permit numbers accordingly:

Permit Update Records
Certificate Records
TCO Records
Payment Records
Adjustment Records

All this is done automatically. By the time UCCARS finishes changing the permit number, the old permit number no longer exists, anywhere.

Source: Stanley Kosciuk
President, Municipal Information Systems ❋

UCCARS EQUIPMENT

Those of you who have carefully followed DCA's equipment recommendations in acquiring your PC and peripheral equipment for use with System I will generally be in good shape for System II. UCCARS System II has also been developed to interface specifically with the Epson LQ-1050 printer, the Maynard tape drive, and the Hayes modem.

A word of caution... not all equipment vendors carry these specific lines, and thus, municipalities are often quoted items from other manufacturers. Some vendors bid a non-Epson, non-Maynard, or non-Hayes unit either to gain a competitive edge or to increase their margins. Unfortunately, those buyers who do question the component substitutions typically get the response "no problem, it will work just as well"... only to discover too late that it really doesn't.

With regard to your PC, System II will be much more demanding than System I. The most common PC configuration throughout the UCCARS user community is an IBM-compatible, AT-class, 80286-based machine with a 10-12 megahertz clock speed, 1 megabyte of memory and a 40-megabyte hard drive. Those of you who are so equipped will have no problems running System II.

The type of monitor you have will not affect your ability to use System II. UCCARS works equally well with any video system - monochrome, CGA, EGA, or VGA. Your choice depends on a combination of personal preference and available funds, and sometimes on special requirements of other software that may be used on the same PC.

On the other hand, if your PC has less than the recommended 640K of memory, it will probably not run System II. Likewise, if you have memory-hungry RAM-resident programs on your machine, or if you have more than one PC and they are networked using local area network software other than Novell, your PC will probably not have enough available memory to run System II (see "UCCARS Network Guidelines" distributed by DCA).

If your PC is an XT-class machine with an 8088 or 8086 processor, you will find that System II takes much longer to execute than System I - particularly if you are using an older XT with a slow clock speed and a slow hard drive. If migrating to a faster machine is out of the question for now, you might be able to upgrade your current PC for half the cost of a new one.

Because of the large amounts of data that are constantly being accessed by System II, the speed of your hard drive will be as important a factor in determining its responsiveness as the speed of the CPU itself. Drive speeds of 75 milliseconds are typical of XT-class PCs, and are even found in older 286 PCs; by comparison, speeds of today's most commonly used hard drives are on the order of 28 milliseconds.

Even more critical than speed itself is the capacity of your hard drive. A 20-megabyte drive is not recommended. Although you may be able to get by for the first year of System II operation if you don't do much else with your computer, it is recommended that you upgrade to a fast 40-megabyte hard drive.

Source: Stanley Kosciuk
President, Municipal Information Systems ❋

OPEN PERMITS

Our monitoring effort has resulted in the administrative review of construction offices in 171 municipalities. We have found that the majority of these offices are in general compliance with the Uniform Construction Code and its regulations.

One situation, however, occurs fairly frequently. That is the absence of inspections after a construction permit has been issued for a project. We refer in particular to projects that have been "open" for longer than six months in the records of the municipality and in the records of the on-site inspection and plan review agencies.

Our concern is based on the premise of the UCC: that construction projects are to be inspected and determined to be safe by a licensed inspector prior to the occupancy or use of the project. Examples of the types of open projects we find during the course of our monitoring include, but are not limited to, pool

installations in early spring, roofing and siding projects, electrical services, room additions, decks, and occasionally even a new home. Often, the permit file will contain the contractor's proposal for the job and sometimes even a note that the job is ready for inspection; however, there is no record of an inspection having been performed.

With just a little more effort, inspectors can track projects that are in need of inspection.

When we remind the officials that a project has not received a final inspection, we are often quoted NJAC 5:23-2.18(c)1, which states, "The owner or other responsible person in charge of work shall notify the enforcing agency when work is ready for any required inspection." We respond that the lack of an inspection request does not relieve the enforcing agency of its responsibility. If the person in charge of work fails to make an inspection request, the enforcing agency should follow up, and has the ultimate option of enforcing compliance under 5:23-2.31(b), which allows a penalty of $500 for violation of the provision of the act or the regulations.

The appropriate citation to reference regarding the inspector's inspection responsibility is found in NJAC 5:23-2.18(b)1, which states, "The construction official and appropriate subcode officials shall carry out such periodic inspections during the progress of work as are necessary to insure that work installed conforms to the appoved plans and the requirements of the regulations." Please note that the on-site inspection and plan review agencies act as subcode officials and, as such, must also fulfill this regulatory requirement.

Various methods are available to implement a follow-up inspection program. The simplest is to file open permit files in a separate cabinet with index cards to separate the files by future inspection (follow-up) date. An alternative is the use of the UCC Form F-150 Tickler/X-RefCard; this is a 3x5 card that is then filed by future inspection date.

We must recognize that merely issuing a construction permit does not fulfill our obligation under the UCC. Inspections, regardless of who initiates them, are necessary in order to meet the intent of the UCC as found in NJAC 5:23-2.1(d): "The regulations shall be construed to secure its expressed intent, which is to insure public safety, health, and welfare insofar as they are affected by building construction..."

Our monitoring staff has raised the question of a follow-up inspection program in each town they visited, but the response to date sometimes has been less than satisfactory. Increased emphasis is being placed by our staff on meeting this UCC requirement.

Source: Felix Cabarle
Bureau of Regulatory Affairs ❋

UNSAFE BUILDINGS

Under what circumstances does a construction official determine a building to be an unsafe structure? What assistance does the Uniform Construction Code provide to construction code officials in making those decisions?

NJAC 5:23-2.32(a) describes the conditions for which a building or structure may be deemed unsafe. I am sure you will agree that some decisions are subject to one's interpretation of what constitutes a danger to human life or public welfare. For example, it is easy to determine that a building severely damaged by fire is unsafe, but what about a building having a required exit door blocked by boxes? Would this situation require the same action as if, say, the exit door had been removed? Clearly, a required exit door that has been removed is a danger to human life and public welfare, and the construction code official might opt to order the building vacated as an unsafe structure. In the case of the door blocked by boxes, however, while this situation also presents a danger to human life, the hazard may be easily eliminated by simply moving the boxes, and may not require vacating the building.

The regulations require the appropriate subcode official to examine or investigate any building reported as dangerous, unsafe, etc., and prepare a report documenting the conditions found. The more documentation (written and perhaps photographic) the code official can obtain, the easier it will be to justify his/her decisions should that become necessary.

Source: Gerald Grayce
Bureau of Regulatory Affairs ❋

CHANGE OF USE

Field representatives of the Department's Fire Safety Element have asked us to remind construction officials that "new" or changed uses for an existing structure may require new features to meet code, and a new certificate of occupancy for the new use. Inspectors have found no current certificate of occupancy (CO) in the following situations: tenants occupying part of a shell building or strip mall, where a CO was granted for the shell or the mall in general but no CO was subsequently granted for the individual interior spaces; industrial buildings in which a portion is devoted to a new, more hazardous use without a CO; day-care centers placed in other types of buildings, and expansions of existing buildings.

While the Department realizes that officials may not be aware of every new or changed use, especially where actual construction work is minimal, we hope that there can be cooperation with Fire Safety field representatives if irregularities are discovered.

Source: Chrystene Wyluda
Code Development Unit ❋

DIRECTORY OF STATE PROGRAMS FOR REGULATING CONSTRUCTION

The Office of Business Advocacy in the Department of Commerce and Economic Development publishes a quick reference guide to construction permits, certificates, and approvals issued by State agencies. The "Directory of State Programs for Regulating Construction" is an effective resource in providing assistance on requirements for general construction activities that are most often regulated by the State.

Information is also provided concerning special jurisdictional agencies and federal-state permits applicable to construction. Copies of the Directory are available at no charge by contacting:

Office of Business Advocacy
Department of Commerce and Economic Development
CN 823
Trenton, New Jersey 08625

Or call toll-free within New Jersey: 1-800-533-0186; outside New Jersey: 609-292-0700. ❋

NEW JERSEY REGISTER ADOPTIONS

Date		Adoption
10/1/90	22NJR 3147(a):	Dedication of Revenue for Code Enforcement, Adopted Amendment NJAC 5:23-4.17.
	22NJR 3148(a):	Code Interpretations; Seismic Zones, Adopted New Rule: NJAC 5:23-9.4.
10/15/90	22NJR 3214(a):	Uniform Construction Code Subcodes, Adopted Amendments: NJAC 5:23-3.4, 3.5, 3.8A, 3.10, 3.11, 3.11A, 3.14 through 3.18, 3.20 and 4A.8.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services ❋

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Volume 1 Number 1 Spring 1989

WHAT IS THE UCC?

In the coming year, DCA intends to publish a booklet for newly elected officials. Its purpose is to provide basic information about the Uniform Construction Code (UCC), its use, and what it means to the municipality. Until this booklet is published, the following material will provide a good background article for anyone who would like to know about the UCC.

THE UCC AND NEW JERSEY MUNICIPALITIES

The New Jersey Uniform Construction Code (UCC), promulgated in 1976, was adopted to provide uniformity, to supersede the maze of local building ordinances, and to overcome discriminatory municipal enforcement practices. The Division of Housing and Development of the Department of Community Affairs (DCA) is responsible for the administration of the UCC throughout the state. Administrative regulations were adopted (N.J.A.C. 5:23-1.1 et seq.) for the purpose of organizing UCC enforcing agencies in all New Jersey municipalities. Under the UCC, DCA licenses qualified individuals to perform in the established administrative and technical positions. The construction official acts as the administrative head of the municipal enforcing agency; the four basic disciplines of building, electrical, plumbing, and fire protection are headed by licensed subcode officials.

With the enaction of the UCC, the state preempted all authority in matters of construction code enforcement; however, this does not mean that the municipality is without authority. Municipalities determine salary and assign office space, location, and equipment. Municipalities may take disciplinary action for failure to serve the public courteously, or for dishonesty, intoxication, and other forms of misbehavior not related to code enforcement. Disciplinary action may take the form of suspension or even removal from office, but this would not affect the

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MASTER PLUMBERS LICENSE

There seems to be some confusion throughout the state about what types of work require a Master Plumbers license. Perhaps some of the confusion is due to the way the Mechanical Code is delegated to the various subcodes. Currently, the Plumbing Subcode is responsible for enforcing the boiler and water heater, hydronic piping, gas piping, fuel oil piping, and mechanical refrigeration sections of the Mechanical Code, as well as all sections of the Plumbing Code.

Though all of these articles fall under the jurisdiction of the Plumbing Subcode, not all of this work requires a Master Plumbers License. The definition of plumbing found in the Licensing Act reads as follows:

> "Plumbing means the practice, materials and fixtures used in the installation, maintenance, extension, alteration, repair and removal of all piping, plumbing fixtures, plumbing appliances, and plumbing apparatus in connection with any of the following: sanitary drainage, storm facilities and building sewers to their respective final connection to an approved point

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official's license. If the municipality believes that the construction official or subcode official is not satisfactorily performing his/her code enforcement obligations, DCA should be requested to investigate the case.

The UCC is designed to exist within the framework of a municipality. Therefore, UCC regulations provide several options under which a municipality may organize its enforcing agency. Municipalities have the option of organizing an all-municipal enforcing agency, contracting out one or more of the subcodes to a state-approved, on-site inspection and plan review agency, or forming an interlocal agreement pursuant to the Interlocal Services Act between or among several municipalities. In sparsely populated areas with insignificant construction activity, municipalities may ask the DCA to act as the enforcing agency.

Non-civil service municipalities appoint construction officials and subcode officials for four-year terms. Upon the second successive appointment in a municipality, the official receives tenure. In civil service municipalities, State Department of Personnel (Civil Service) rules apply.

Municipal enforcing agencies are classified according to the qualifications of the subcode officials. The levels of qualification are Residential-Small Commercial Structures (RCS), Industrial/ Commercial Structures (ICS), and High Hazard Structures (HHS). All subcode officials in a municipality must be rated at a given level before the municipality receives that level of qualification. Applications for projects above the municipal agency qualification must be forwarded to DCA for plan review and release.

The UCC provides that a fee schedule be established by municipal ordinance. Fees may not exceed the annual costs for the operation of the enforcing agency. Every two years, the construction official is required to review the municipal fee schedule in order to ensure that the proper amount of revenue is raised to support the enforcing agency. The official then reports his or her findings and recommendations to the municipal governing body. The ultimate goal of this process is to develop a fee schedule which will meet the expenses of operating the enforcing agency, but not exceed them.

Source: Henry Riccobene
Bureau of Regulatory Affairs □

PLUMBERS...

of disposal, venting system, public and private water supply system of any premises to and within the property line of any building, structure or conveyance to their final connection with an approved supply system. Plumbing shall also mean the practice and materials used in the installation, maintenance, extension, alteration, repair or removal of storm water, refrigeration and air continuing drains, liquid waste or sewage."

Gas piping, fuel oil piping, refrigerant lines, and hydronic piping do not require a Master Plumbers license, since they are not considered "plumbing" by the Licensing Act. However, piping prior to the backflow preventer and the backflow preventer itself in the supply line to a boiler are not considered hydronic piping, since they are still part of the potable water supply. Any work performed on the potable water supply requires a license, except ordinary repairs and work done by a single family homeowner as described below.

"Ordinary repairs" are defined in FTO no. 8 of the Uniform Construction Code. Items listed in the FTO include repairs involving only the working parts of a faucet, valve or fixture, clearance of stoppages, repair of leaks, and the replacement of a faucet or valve. In no case is work involving the rearrangement of the piping system considered "ordinary repair." Work involving the rearrangement of the piping system may be performed by the owner of a single family dwelling without a Master Plumbers license. (This does not apply to a dwelling unit that an owner is renting or is using for some purpose other than as his own dwelling unit.)

For more information on the Master Plumbers Licensing Act, contact the Board of Master Plumbers at 201-648-3310.

Source: Michael Baier
Bureau of Technical Services □

ASBESTOS ABATEMENT: AN OVERVIEW

During the course of monitoring asbestos abatement projects at various locations throughout the state, it has become apparent that many municipal code officials are not fully acquainted with Subchapter 8, Asbestos Hazard Abatement Subcode (N.J.A.C. 5:23-8) of the New Jersey Uniform Construction Code. This lack of familiarity has frequently resulted in nonconformances and/or violations of specific code requirements.

The following information, condensed from the Code, is an overview of the requirements for asbestos abatement projects. It may be used as a guide when dealing with such projects, but for a complete delineation of the regulations, please refer to the specific citations.

CONSTRUCTION PERMITS
(See N.J.A.C. 5:23-8.6)

Any large or small asbestos abatement project (see N.J.A.C. 5:23-8.2 for definitions) requires a construction permit. The permit application is submitted on the standard Uniform Construction Code form and must be accompanied by the appropriate fee (see section on FEES, below). In addition, the following information must be provided:

*The name, address and license number of the asbestos contractor, who must be licensed by the New Jersey Department of Labor (see N.J.A.C. 12:120).

*An asbestos hazard assessment. This is prepared by the New Jersey Department of Health, county or local department of health, or a private business entity authorized by the DOH. In some cases, the DOH may waive this requirement.

*The name and address of the Asbestos Safety Control Monitor, which is a private firm hired by the building owner to continuously monitor the asbestos abatement project. The firm must be authorized by DCA to perform this function.

*Plans and specifications (no fewer than three sets) indicating the scope of the proposed work and the planned provisions for containing the hazardous material during abatement work. At a minimum, these must include details on separation barriers, primary seal/critical barriers, route of travel for removing asbestos waste from the work site, a copy of the site plan, and a floor plan indicating exits.

*Documentation that all buildings will be unoccupied at the time an asbestos abatement project takes place (unless a variation for occupancy was issued by DCA, in which case a copy of the variation must be provided).

*The name and address of the waste hauler and of the landfill where the asbestos waste will be deposited. Both must be registered with the New Jersey Department of Environmental Protection.

*The scheduled start and completion dates for the project.

The construction permit for asbestos abatement is issued subject to the following:

*Submission of a completed application.

*Conformance of the described work and containment measures to the requirements of the subchapter and any other applicable law or regulation adopted or enforced by any other State agency.

*A written release of the plans and specifications by the Asbestos Safety Control Monitor.

*A cursory plan review to determine any need for replacement material to maintain the structural integrity of a building. This review is performed by the authority having jurisdiction; if required, the authority will issue a separate construction permit.

*A review to ensure that means of egress is maintained in occupied buildings.

CERTIFICATE OF OCCUPANCY and
CERTIFICATE OF COMPLETION
(See N.J.A.C. 5:23-8.8)

It is illegal to re-occupy a building (or portion of a building) vacated during an asbestos abatement project until a certificate of occupancy has been issued by the administrative authority having jurisdiction. The application for the certificate of occupancy is submitted on the standard Uniform Construction Code form, and must include the appropriate fee (see section on FEES, below). The application also requires the name and address of the building owner, the address of the building or structure, and a certificate of completion.

The certificate of completion verifies that the final inspection of the project revealed no visible evidence of asbestos and that an acceptable air quality level has been attained for re-occupation of the building. In addition, it

(Continued on page 4)

ASBESTOS...

asserts that the project site conforms with all applicable requirements of the Uniform Construction Code and that any walls, floors, trim, doors, furniture or other items damaged during the work will be repaired or refinished to match existing materials. The certificate is issued by the Asbestos Safety Control Monitor and is verified by the administrative authority having jurisdiction.

FEES
(See N.J.A.C. 5:23-8.9)

The administrative authority which issues the construction permit and the certificate of occupancy for an asbestos hazard abatement project establishes by regulation or ordinance the following flat fee schedule:

*A $50 administrative fee for each construction permit issued for an asbestos hazard abatement project.

*A $10 administrative fee for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project.

Again, the above is intended as a general guideline only. Please refer to the Asbestos Hazard Abatement Subcode for complete information.

Source: Charles F. Tarr Jr., Chief
Bureau of Code Services□

COURT DECIDES NEW HOME WARRANTY APPLICABILITY

In a reported case of the Appellate Division of the Superior Court of New Jersey, the New Home Warranty Program was found to have acted properly in denying warranty coverage for a single family house which was rebuilt after being destroyed by fire. The precedent-setting case affirms DCA's interpretation of the New Home Warranty and Builders' Registration Act to apply only to homes which are entirely new.

On October 8, 1983, James and Karen Glaum contracted to purchase property from a builder. The contract obligated the builder to complete all construction prior to closing, and "to provide at the time of closing a homeowner's warranty insurance policy for the benefit of the purchasers." After the work had progressed to a certain point, the township issued the builder a Certificate of Continued Occupancy, which described the construction work as "alteration to house." At the closing on February 6, 1984, the Glaums received from the builder a Certificate of Participation in the New Home Warranty Security Fund, which had been validated by the New Home Warranty Program (the Agency) on January 30, 1984.

The day following the closing, the Glaums submitted to the builder a list of items which needed to be corrected, repaired, or finished, and sent a second list on April 17. By June 15, the Glaums had not yet received a satisfactory response from the builder, so they filed a Request for Dispute Settlement with the New Home Warranty Program. At a conciliation meeting at the premises, the consensus reached was that all repairs must be completed by September 30, 1984. The builder did not make the repairs as promised, however, so the Glaums again contacted the Agency.

On October 12, the Agency notified the Glaums that investigation revealed that the home they had purchased had been rehabilitated following major fire damage and so could not be considered a "new home" under the Builders' Registration Act. The warranty issued by the builder, therefore, was cancelled. The Glaums requested a hearing before the Office of Administrative Law.

In August 1986, the Administrative Law Judge decided the case in the Agency's favor, and the Commissioner adopted this decision as final. The Glaums appealed the Commissioner's decision to the Appellate Division of Superior Court.

The pivotal question presented in the appeal was whether the home the Glaums had purchased was a "new home." For the purposes of the Act, a "new home" was defined to mean "any dwelling unit not previously occupied, excluding dwelling units constructed solely for lease." The Glaums contended that they should be afforded coverage under the Builder's Registration Act because their home was the functional equivalent of a new home. The Agency argued that the Glaums had purchased a **rehabilitated** home for which the Legislature did not intend the protection afforded by the Act. The Appellate panel concurred with the Administrative Law Judge's reasoning, which rejected the Glaums' argument of functional equivalence. In support of this decision, the Appellate judges noted the observations of the Administrative Law Judge, who found in the plans for the house "...existing concrete block walls, an existing window location, an existing floor joist, and an existing fireplace and chimney." Additionally, the record revealed that more of the

original structure had been used than the Glaums had admitted. The previous structure's foundation, rather than the "basement's foundation," was used, as were the basement ceiling and the floor of the first level.

The Appellate panel perceived no legislative intent in the Act to extend buyers of remodeled or rehabilitated homes the same protections afforded to new home buyers. (The Agency's Homeowners' Booklet expressly rejected remodeled and rehabilitated houses from the program.) The panel concluded that the term "new home" could not be applied to any home that had been previously occupied. To do so would require builders of such homes to register with the State as new home builders and warrant their construction, which would be contrary to the State registration system designed exclusively for builders who construct entirely new homes. Moreover, such an interpretation would extend the State's warranty coverage to portions of an existing home that pre-date the "new" construction. The result would be to render meaningless the requirement of "not previously occupied" as well as the warranty time limitations set forth in the Act. It would also distort the legislative intent by warranting defects which could have been caused by construction occurring prior to the passage of the Act.

Finally, the Glaums argued that because the Agency had failed to conduct any investigation before issuing the warranty, it should be estopped from denying coverage under the Act. The Appellate Panel rejected that argument: not only is estoppel against a public agency generally disfavored, but the Glaums had not demonstrated any misrepresentation or concealment by the Agency or any justifiable reliance on the Agency to conduct an investigation sooner. The Glaums' reference to insurance law to support their estoppel argument was also rejected; unlike the business of insurance which deals with risk allocation, the Act is designed for the benefit of new home buyers who have been damaged by unscrupulous and/or insolvent builders.

Based on their study of the record, the Appellate Panel concluded that coverage by the New Home Warranty Program was properly denied by the Agency.

Source: Peter Desch, Chief
Bureau of Homeowner Protection □

HELPFUL CONTACTS AT THE DEP

On November 29, 1988, the Education Unit of DCA's Construction Code Element held a workshop entitled "Special Code Applications." The workshop was directed primarily to officials who enforce the current Plumbing Code. The question and answer period, led by speaker Raymond Lynch, P.E., included a discussion of the importance of taking safety precautions during field inspections, particularly on industrial properties. Existing piping on the site may carry a variety of substances, and, particularly if the piping is in a state of disrepair, seepages could affect the inspecting official or the project he or she is inspecting.

Since discharges to ground and surface water are permitted and monitored by the State Department of Environmental Protection, the DEP can give you helpful information regarding which discharges have been permitted at the site you are inspecting. In addition, the DEP field office can respond to evidence of illegal discharges or seepages.

Since some workshop attendees have experienced difficulty contacting certain DEP offices, we are happy to be able to share with you the following list of field offices to contact in your area. In each office, the person to speak to is the supervisor for ground water discharge or the supervisor for surface water discharge.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION FIELD OFFICES

NORTHERN BUREAU (Includes Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren Counties):

PARSIPPANY
Chief Joseph Mikulka
201-299-7592

METRO BUREAU (Includes Bergen, Essex, Hudson, and Union Counties):

WEST ORANGE
Chief Peter Lynch
201-669-3900

CENTRAL BUREAU (Includes Burlington, Mercer, Middlesex, Monmouth, and Ocean Counties):

HIGHTSTOWN
Chief Charles Maack
609-426-0786

(Continued on page 6)

DEP...

SOUTHERN BUREAU (Includes Atlantic, Camden, Cape May, Gloucester, Cumberland, and Salem Counties):

GIBBSBORO
Chief Edward Post
609-346-8032

Source: Maria Roth
Bureau of Technical Services □

CONTINUING CARE RETIREMENT COMMUNITY

The Continuing Care Retirement Community (CCRC) Section of the Bureau of Homeowners Protection governs the Continuing Care Retirement Community Regulation and Financial Disclosure Act (N.J.S.A. 52:27D-330 et seq.) through the Regulations (N.J.A.C. 5:19-1.1 et seq.) which were published thereunder.

A Continuing Care Retirement Community is sometimes referred to as a "lifecare" community. It accommodates the older adult, and offers a continuum of care. "Continuing Care" is defined in the Act as:

> "the provision of lodging and nursing, medical or other health related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges. An individual who is provided continuing care is one who is not related by consanguinity or affinity to the person who provides the care."

The CCRC Section is located at 3131 Princeton Pike, Building 3, on the ground floor. James Ianni is the section supervisor; members of his staff are Walter Michalowskij, Pearl Bernocchi and Laine Gordon. If you would like more information about Continuing Care Retirement Communities, feel free to call the staff at 609-530-5448.

Source: James Ianni
Bureau of Homeowner Protection □

REVISED STANDARD FORMS

The Department would like to express its gratitude to all the people who served on the Standard Forms Revision Committee. Each of these individuals, whether licensed code officaals, control people, or concerned citizens, dedicated hundreds of hours, traveled countless miles, and attended dozens of meetings.

After three years, the result of this effort is about to appear with the issuance of the revised standard forms. Each municipality will receive a complete set of mechanicals for reproducing the forms. The changes are not major, but the forms will be easier to use and should reduce duplication.

No educational seminars have been planned, but the forms will be highlighted in a seminar entitled "Fundamentals of the Uniform Construction Code," created for control people who have been in their positions less than two years. If questions do arise, please call the Bureau of Technical Services at 609-530-8798.

Use of the new forms will not be mandatory until January, 1990. You may continue to use the old ones until that time.

Again, thank you to all who brought this project to completion!

Source: Susan McLaughlin
Bureau of Technical Services □

ANNUAL PERMITS

Remember them? They are required for construction or maintenance work at facilities with full-time maintenance staff. You should be aware if construction work is being done in these facilities without permits and inspections. The purpose of the annual permit is to promote public safety by encouraging more frequent inspections and to help ensure that the work performed by maintenance staffs meets UCC standards. Refer to 5:23-2.14 (c) for more on annual permits.

Source: Daniel McInerney
Bureau of Technical Services □

The Construction Code Communicator is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Suggestions may be submitted to William Hartz, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. Articles may be reprinted provided credit is given to the Department of Community Affairs and the Department of Government Services.

NATIONAL CERTIFICATION PROGRAM FOR CONSTRUCTION CODE ENFORCEMENT INSPECTORS

The multi-state test modules developed by national code enforcement organizations in collaboration with the Educational Testing Service are scheduled for APRIL 22, JULY 29, and OCTOBER 28, 1989, and APRIL 21, 1990. The tentative registration deadlines for these testing dates are MARCH 13, JULY 5, and SEPTEMBER 18, 1989, and MARCH 14, 1990, respectively. All registration materials must be postmarked and mailed by the deadline date to:

National Certification Program For
Construction Code Enforcement Inspectors
CN 6508
Princeton, New Jersey 08541-6508

Information on how to register, registration forms, and a Candidate Bulletin Booklet can be obtained by calling the Educational Testing Service at 609-921-9000. ETS will confirm all registrations, test locations, and schedules.

Source: William Hartz, Chief
Bureau of Technical Services □

CONSTRUCTION CODE ELEMENT TELEPHONE LISTING

Assistant Director:	609-530-8788
Code Development:	609-530-8789
Bureau of Homeowner Protection	
Chief:	609-530-6183
Planned Real Estate Development:	609-530-5474
Builder Registration:	609-530-8800
Bureau of Technical Services	
Chief:	609-530-8797
Code Assistance:	609-530-8793
Education Unit:	609-530-8798
Licensing:	609-530-8803
Publications:	609-530-8792
Bureau of Code Services	
Chief:	609-530-8857
Asbestos:	609-530-8812
State Buildings:	609-530-8837
Industrialized Buildings:	609-530-8833
Bureau of Regulatory Affairs	
Chief:	609-530-8838
Investigations:	609-530-8841
Municipal Assistance & Monitoring:	609-530-8839
Bureau of Construction Project Review	
Chief:	609-530-3624
Project Review Receptionist:	609-530-8866

JOB BANK FORM

Recently, we have had much success in providing a job bank to bring together people offering jobs in code enforcement and licensed code officials looking for positions. Our present job bank will be deleted. Only those who complete and return this form will be added to the new job bank. Our intention is to update this list once per year. Each list will be compiled by subcodes and by county. If you hold licenses in multiple subcodes, your name will appear on each list.

To be included in the job bank, please complete this form and return it to: N.J. Department of Community Affairs, Division of Housing and Development, Bureau of Technical Services, Licensing Unit/Job Data Bank, CN 816, Trenton, New Jersey 08625-0816.

PLEASE PRINT OR TYPE

NAME: _____ LICENSE #: _____

PHONE: _____

LICENSES HELD FROM THIS BUREAU:

_____ _____

_____ _____

_____ _____

SIGNATURE: _____ DATE: _____

Construction Code Communicator

State of New Jersey
Thomas H. Kean, Governor

Department of Community Affairs
Anthony M. Villane Jr., DDS, Commissioner

Volume 1 Number 2 Summer 1989

A PROPOSAL FOR DEVELOPMENT REGULATORY REFORM

by Anthony M. Villane Jr., DDS, Commissioner

You have probably heard something about DCA's initiative to streamline development regulations in New Jersey. I want to share with you some of my ideas about the problem facing us and the proposed solution to that problem.

In New Jersey today, development regulatory control is scattered across a hodge-podge of state, regional and local government entities, each able to exercise veto power over a particular project. It's not unusual to have five or six different government entities reviewing a project's technical aspects -- each with different methodologies and requirements. So, on the New Jersey shore, for example, a project is delayed interminably while a regional agency and a municipal government argue over whether or not a particular road should be two feet wider or narrower.

In another municipality anxious to complete a project, months go by before an agency responds to a permit application. The response, when it finally comes, requests even more information which will undoubtedly take several more months to review.

Meanwhile, more regulations are being churned out daily at all levels of state, regional and county government with little or no communication between regulating entities. Often, the farther the reviewing entity is from municipal government, the less responsive the entity is to the concerns of the municipality.

The net result of the regulatory quagmire is to delay the development process, sometimes indefinitely. Today, it is not unusual to have housing construction delayed three years or more while builders navigate through the regulatory process, with high priced lawyers, planners, engineers, and consultants in tow.

Time is money. We estimate that the cost of each month of construction delay due to the regulatory process approximates one-and-a-half percent of total project costs.

The costs of the delay go far beyond individual projects, however. Evidence is mounting that our state's economic growth is slowing. Last year, for the first time since 1983, our employment growth fell below national levels. Recent reports including the Chamber of Commerce/Price Waterhouse survey and a Port Authority study place a major share of the blame for a slowing economic growth on New Jersey's high cost of housing and the resulting shortage of skilled and semi-skilled workers.

Is the current regulatory system the sole reason for the high cost of housing in New Jersey today? Of course not. The costs of land, labor, and supplies, along with the overwhelming demand for housing, are also factors. But

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the present regulatory system with its duplication, inconsistencies and bureaucratic delays is adding as much as thirty percent to the cost of housing -- not an insignificant cost. Most importantly, the regulatory system is the one cost area that can be controlled.

The Department of Community Affairs, in response to Governor Kean's call for action in his January State of the State Address, has proposed a three-pronged reform of our current development regulatory system. The Department is seeking the adoption of three bills: one to streamline the State's regulatory process, one to authorize municipal collection of impact and linkage fees, and another to establish statewide technical standards for subdivision and site plan approvals. The overriding goals of the program are to reduce and make more predictable development costs in New Jersey.

We, in the Department of Community Affairs, believe the best way to achieve these goals is to increase the municipal role in the regulatory process. First, the current system of multiple permits and duplicate project review by numerous layers of government must be streamlined. DCA proposes creation of the development policy code that will codify, in a single volume, the many development regulations required by state, regional and county governments. Regulatory reviews should occur to insure that regulations are consistent, non-duplicative, and that they contain specific performance standards.

Simply having a single development code would be an improvement over our present system, but it alone would not necessarily streamline the permitting process. For this, DCA proposes to encourage permitting agencies to delegate permitting powers to local governments who are able and willing to assume that function.

If this sounds familiar to you, it should. The system we are proposing is based on the model of our Uniform Construction Code Enforcement System. We all know that this system works. It works because we have adopted objective standards for construction that are made known to all those who wish to build in this state. It works because we have licensed officials in each municipality who are qualified and trained to enforce those standards. It is an efficient and effective way to regulate construction.

It is my hope that we can extend the benefits of this system to all of those agencies that have responsibility for all of the prior approvals required to obtain a building permit. I am sure that each of you has horror stories of how long it can take to get these approvals. We can make the system function better. What you, as licensed officials, do to enforce the Uniform Construction Code can be done by properly trained and certified municipal engineers to enforce environmental standards through a similar system.

The second goal of the proposal is to build more cost predictability into development. Legislation allowing the imposition of impact and linkage fees formulated through local ordinance to finance "off-site" housing, open space, public facility, and infrastructure improvements is an important tool municipalities should have to cope with development. The current situation of protracted negotiations, often without groundrules, is unfair to both municipalities and developers. Established impact and linkage fee ordinances, with explicitly stated formulas to calculate fees, would allow all parties to know "up front," during the project's planning stage, what costs will be.

This same predictability is needed to plan necessary subdivision site improvements. Today, requirements for street size, asphalt depth, curb height, lighting, sewer pipe widths, and other non-design technical infrastructure standards are left to each municipality. The Department of Community Affairs proposes that a team of technical experts, with majority representation of municipal and county officials, create a range of technical standards which would apply to subdivision site improvements in various types of neighborhoods (infill development, urban, suburban, rural, new centers, and redevelopment areas, to name just a few).

This concept of development regulatory reform has been villified as an attack on home rule and as leading to "cookie-cutter" communities. This is unfounded criticism, however, because:

* Municipalities would still control all zoning decisions;

* Municipalities would choose the type of neighborhood design desired in each area of the municipality (i.e., urban, suburban, rural, etc.). The actual technical standards would flow from those local design decisions and the applicable local engineering conditions; and

* An advisory committee controlled by local government officials would establish the applicable technical standards.

(Continued on Page 3)

The implementation of the Uniform Construction Code has not led to a state where all new buildings look alike. Similarly, uniform subdivision and site plan standards will not lead to a state where all communities look alike. All that will be uniform will be technical standards -- not design.

DCA's three-bill package -- the permit reform act, impact fee legislation, and municipal subdivision and site improvement act -- will replace an archaic, disjointed, costly land use regulatory system with one that encourages efficiency and controls costs.

I hope that you will join me in supporting this effort to bring regulatory reform to New Jersey. □

HOW TO UPGRADE YOUR LICENSE

The primary objective of the New Jersey Uniform Construction Code Enforcement Licensing System is to license qualified individuals for a career in construction code enforcement. Those persons holding entry level licenses, such as the Building or Fire Protection Inspector-RCS license, or the Electrical or Plumbing-ICS license, are encouraged to upgrade their licensure status to the highest level available, in order to provide a full range of construction code enforcement expertise within each major municipality throughout the state of New Jersey.

If you plan to upgrade your present UCC enforcement license to a higher level, or perhaps even plan to expand your area of expertise from one subcode area to another, please keep the following points in mind:

Most important, be sure to call the Licensing Unit at 609-530-8803 to request a copy of the latest Licensing Information Booklet (last revised in December, 1987) if you don't already have one. It is also very important that you use the original blank application forms from the Licensing Unit -- not photocopies obtained from friends or associates.

Experience credited to you at the time of your last license award does not have to be redocumented when you apply for additional licenses. Only that work experience necessary to qualify you for the higher level license must be documented, in accordance with current Bureau standards, as described in the Licensing Information Booklet.

For example, if you previously obtained a Building Inspector-RCS license, and were credited by the Bureau with ten years of acceptable experience at that time, you would not have to document any additional experience to obtain the Building Inspector-ICS, HHS, Subcode Official-Building, or Construction Official licenses. On the other hand, if you documented and were credited with only three years of experience when you applied for your Building Inspector-RCS license, then you would have to document an additional two years work experience when applying for the higher-level Building Inspector-ICS license, which requires a minimum of five years acceptable work experience.

Another important note relating to the experience requirement for licensure is that the number of years of acceptable experience that you consider to have been adequately documented may differ from the total actually credited to you by the Bureau. This difference of opinion frequently occurs because applicants overlook the Bureau's requirement of prerequisite experience before an applicant can be credited for acceptable journeyman, housing inspector, firefighter, or fire inspector time.

Before an applicant can be credited with the acceptable experience required for licensure, he or she must first document completion of the standard training or apprenticeship equivalent as determined by the Bureau (which uses normally recognized equivalent standards). This prerequisite experience is not in itself counted towards satisfying the skilled experience requirement needed for licensure, but it is necessary in order to substantiate an applicant's status as a skilled or qualified journeyman, housing inspector, firefighter or fire inspector.

Proof of completion of the educational requirements, such as the Building Inspector-RCS, ICS and HHS approved courses, need be submitted only once. However, when you submit proof of successful completion of the required test modules for a given license level, take special note that these test results cannot be more than three years old at the time you apply for the license.

We hope that this information will clarify some of the questions you may have had concerning licensure upgrading. Should you have any remaining questions regarding this matter, please call the Licensing Unit at 609-530-8803.

Source: Frank Salamandra
Supervisor of Licensing
Bureau of Technical Services □

TRAIN-THE-TRAINER PROGRAM

Would you like to make more money? Do you like to tell people what to do? Do you think you know all the tricks of your trade?

DO WE HAVE THE OPPORTUNITY FOR YOU!

Through Rutgers University and the Department of Community Affairs, we are able to certify our licensed inspectors as instructors. After successful completion of our two-day Train-the-Trainer program, you will be able to share your knowledge by teaching construction code courses at your community college.

Currently, eleven colleges across the State of New Jersey participate in our continuing education programs. They are always looking for new instructors. The training requires only two days of your time, usually a Friday and Saturday. Classes meet at the Continuing Education Center at Rutgers University's Douglass Campus in New Brunswick. All meals and overnight accommodations are provided at the center. During the two-day program, you will learn the educational concepts of teaching adults, the use of audio visuals as aids to instruction, and guidelines and procedures in code enforcement. Combined with the knowledge of your specific discipline, these are the ingredients that make up our new instructors.

On the second day of the program each participant presents a fifteen-minute lesson to the other students in the training class. A forty-five-minute written exam follows the presentations. To successfully complete the course, students must pass both the oral and written exercises.

Classes usually run once each year, or twice if there is a demand. If you would like to be included in the next Train-the-Trainer program, express your interest by sending a cover letter and a brief personal resume to the Education Unit, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. Join our prestigious team of 200 certified instructors. Classes are limited in size to twenty, so enrollment is on a first-come basis.

The rewards of teaching are immeasurable. Let us hear from you.

Source: Susan McLaughlin
Supervisor, Education Unit
Bureau of Technical Services □

UNIFORM CONSTRUCTION CODE ACTIVITY REPORTING SYSTEM (UCCARS)

An extraordinary event is taking place in the code enforcement offices throughout New Jersey -- that is, the computerization of these offices with the Uniform Construction Code Activity Reporting System (UCCARS). Someday, most code enforcement offices will transmit their construction-related reports and receive their code changes and updates by computer. We know of no other statewide computerization program like it.

What is UCCARS? System I, the first part of the program, does all the reporting of construction activity for the municipality. For two years now, Compu-Til, the corporation awarded the contract to develop the program, and the Education Unit of the Bureau of Technical Services have traveled throughout the state and trained over 400 individuals from 172 municipalities in the use of System I.

Those who are now using System I will be eligible to come onto System II in the early fall. System II will do all fee calculations, track contractors, print forms, permits, and certificates, and provide an excellent management tool for the construction official. All systems will allow the municipality access to the DCA Bulletin Board. This allows the code official instant access to code and regulation changes the day they are approved. There is no need to wait four months for the printed version to be distributed, since you can now print the changes in your office by telephone modem.

There is one problem. The contract with Compu-Til expires in August, 1990. If the contract is not renewed, the offer of free training, free UCCARS programs, and five hours of free technical support will be withdrawn. If you would like to join the rest of the municipalities who are now on the program, you should act soon.

The following is a list of the standard hardware and software you will need to purchase in order to use the UCCARS system. In some areas, a specific piece of equipment is mandatory, but in others, you may substitute a comparable item.

STANDARD EQUIPMENT

Computer: Any 100% MS-DOS compatible with a minimum 640K RAM and a 20 megabyte (or

(Continued on Page 5)

larger) hard disk with a system clock/calendar. This would include IBM PC XT/AT and PS Model 30 and larger.

Monitor: Although the system is in color, a monochrome monitor may give you the best resolution for the least cost. Of course, a color or high resolution monitor will also work.

Printer: Epson LQ1050 will print four-part NCR paper, and the Epson LQ1000 will print three-part NCR paper. Any other printer may not work with this system.

Modem: Hayes 1200-baud internal or external. NOTE: You may want to consider a Hayes 2400-baud modem for a slightly faster transmission time (Example: 2400-baud may take one-and-a-half minutes, compared to four minutes for the 1200-baud).

Tape Back-Up: Maynard Maynstream 20MB with controller card (internal or portable).

Operating System: DOS 3.2 or higher.

SOFTWARE: The UCCARS program and the communications program are provided to municipalities at no charge. For your PC to transmit by modem, you must purchase a copy of Crosstalk XVII. Cost estimates we've received for all of the above equipment and software range from $4800 to $6000.

No muncipality should fail to take advantage of this opportunity. Using our system is just the beginning of the computer revolution taking place in the code enforcement industry. New programs from the private sector are being developed for plan review, fire prevention, and other code-related areas. If you have questions or would like more information, please call Susan McLaughlin or William Hartz at 609-530-8798.

Source: William Hartz
Chief
Bureau of Technical Services □

CONSTRUCTION BOARDS OF APPEAL: NEW AND IMPROVED

Code officials and others in the construction industry should be aware of the recent improvements in the county and municipal construction boards of appeal. With the enactment of the Uniform Fire Safety Act and its implementation in 1985, the boards of appeal now hear fire safety questions as well as those related to the Uniform Construction Code. Since 1984, the regulations have required that a person with fire safety expertise be included on the board, which has proved to be of great benefit to the boards in their deliberations.

Besides the addition of the fire safety expert to the board, the Department now requires individuals appointed to the board to attend a training course within twelve months of their appointment. The seminar developed by the Department covers various board procedures and gives members additional administrative expertise.

With the increased sophistication of the membership of the boards of appeal, code officials should ensure that their violation notices are in order. This includes having the correct code citation and the appropriate signatures on the violation notice. The code official should also be aware of the necessity of preparing a proper case complete with the rationale behind the violation notice.

The official, as well as the applicant, should be prepared to face a cross-examination from the opposing attorney and intense questioning by board members. Each side should be ready to give its best efforts and evidence, as the board's decision will be based upon a preponderance of the evidence.

The code official and the construction industry can only benefit from the improvements in the operation of the construction boards of appeal. The boards are now moving toward a process of true code interpretation and application mixed with an awareness of the realities of the construction industry.

Source: Robert Hilzer
Bureau of Regulatory Affairs □

The Construction Code Communicator is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Suggestions may be submitted to William Hartz, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. Articles may be reprinted provided credit is given to the Department of Community Affairs and the Department of Government Services.

INFORMATION FOR CONTRACTORS

The following is an excerpt from a pamphlet published by the New Jersey Department of Commerce, Energy and Economic Development, Office of Business Advocacy.

Before performing work as a contractor in New Jersey, there are some important facts you should know about licensing requirements.

1. A CONTRACTOR engaged in NEW RESIDENTIAL CONSTRUCTION (i.e., single-family, two-family, townhouses, condominiums, or co-ops) must register with the State of New Jersey.

   To register, contact:

   Department of Community Affairs
   Construction Code Element
   Builder Registration Section
   609-530-8800

   NOTE: A subcontractor performing work for a general contractor is not required to register as a new home builder.

2. ELECTRICAL & PLUMBING CONTRACTORS must be licensed by the State of New Jersey.

   For Information and Application:

   Department of Law and Public Safety
   Division of Consumer Affairs
   Board of Examiners of Electrical Contractors
   201-648-2058
   Board of Examiners of Master Plumbers
   201-648-3310

3. An ASBESTOS REMOVAL CONTRACTOR/COMPANY requires State licensing.

   For Information and Applications:

   Department of Labor
   Division of Workplace Standards
   Office of Asbestos Control and Licensing
   609-633-3760

4. A CONTRACTOR performing RADON TESTING/MITIGATION SERVICES should contact the agency listed below to clarify licensing requirements.

   Department of Environmental Protection
   Division of Environmental Quality
   Radiation Protection Element
   609-987-6402

5. A HOME REPAIR CONTRACTOR who is involved in financing a project, and therefore wishes to extend credit payment terms to the homeowner (for payment extending beyond a 90-day period from first to last payment), must obtain a license from the State.

   A financing salesperson acting on behalf of the contractor must also obtain a license from the State.

   For Information and Applications:

   Department of Banking
   Division of Consumer Complaint,
   Legal and Economic Research
   609-292-5340

IMPORTANT

Always contact the Local Construction Official (or Building Inspector) in the municipality where work will be performed regarding licensing requirements that may apply.

You will not need a contractor's registration or license from the State of New Jersey if you engage in the following types of work:

Type of Building	Type of Work	Examples
1.Existing residential structures	Additions Alterations Repair/ Replacement Demolition	Roofing Siding Decks Patios Windows
2.Rental residential housing	Construction	Rental apartments
3.New or existing non-residential/ commercial/ industrial structures	Construction Additions Alterations Demolition	Restaurant Office Retail store Manufacturing plant

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NOTE: If electrical, plumbing, asbestos or radon-related work is performed, refer to license requirements for those trades.

The Office of Business Advocacy provides free information to all businesses on licensing, permits, and registration requirements that apply to your specific activity.

CONTACT US AT: 800-533-0186
(Toll-free within New Jersey)
or
609-292-0700

1988 REQUIREMENT FOR TOILET FACILITIES IN RESTAURANTS

The 1988 supplement to the 1987 National Standard Plumbing Code contains some dramatic changes dealing with the required toilet facilities for restaurants and nightclubs. The supplement went into effect on February 21, 1989, so projects submitted after this date may be designed with the supplement in mind (it is the responsibility of the architect/engineer to tell you which code or supplement he or she is using for the project).

Previously, Assembly C uses (restaurants and nightclubs where seating is provided) always required a minimum of two toilets for each sex present, no matter what the occupant load. In the 1988 supplement, however, if the occupant load for a sex is less than 26, only one toilet is required for that sex.

Other changes deal with employee vs. customer facilities. In some cases, the same facilities can be used to meet both employee and customer requirements. Two notes have been added to table 7.24.1 which eliminate the need to always provide separate facilities for employees and customers.

Note 11 states that fixture requirements for customers may be met by requirements for employees. Further, it states that no additional fixtures are required if employee facilities are available for customer use. However, the number of fixtures to install for employees must be based on the number of employees plus the number of customers.

Note 12 states that for establishments having a seating capacity of 25 or less, fixture requirements for employees may be met by fixture requirements for customers. When the occupant load is over 25, however, there must be facilities for employees. That is not to say that there must be separate facilities for customers and employees. If the employee facilities are available for customer use, that is sufficient, according to Note 11 (however, the number of fixtures installed must be based on use group IIB -- employees -- of table 7.24.1).

If you do not already have a copy of the 1988 supplement, I urge you to obtain one so you are aware of these and other changes. DCA does not stock model codes, so please contact the National Standard Plumbing Code to request a copy.

National Association of
Plumbing/Heating/Cooling Contractors
PO Box 6808
Falls Church, VA 22046
1-800-533-7694

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services □

PUBLIC SCHOOL BUILDINGS

The administration of education-related building projects has recently come under discussion. Two distinct aspects of school projects are code enforcement and related fees.

On March 9, 1989, Governor Kean signed into law assembly bill 3570 (now chapter 43, Laws of N.J. 1989), which took effect immediately. Its principal impact upon public school projects is the complete exemption from all fees formerly charged by municipalities. The Department of Education, however, may impose plan review fees upon a school board.

The Department of Education must approve plans for projects involving "educational adequacy" (52:27D-130) before a Board of Education submits them to the local construction official as part of the required construction permit application. A Department of Education review is not necessary for Board of Education-owned buildings or systems which affect no educational function; for example, a pump house, power house, or maintenance building.

(Continued on Page 8)

Thus, the responsibilities for Board of Education projects involving educational adequacy are divided into plan review by the Department of Education, and permitting plus inspection by the construction official and his or her staff. The role of the enforcing agency is defined in the Uniform Construction Code, 5:23-4.2(b)2. NJAC title 6-Education, Subtitle D, chapter 22, has replaced the former "school house guide" with new School Facility Planning legislation. One of the intentions of paragraph 4.2(b)2 is that the enforcing agency identify violations against these laws and against practices which would benefit "the health and safety of the community," and advise the district Board of Education accordingly. Further, "The advice of the enforcing agency shall be binding."

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services □

HOW SEMINARS EVOLVE

In his article "A Public Perspective on Code Administration," William Connolly, Director of Housing and Development, wrote "An Important Key to Professionalism in Construction Code Enforcement is a Strong Training and Educational Program." With this in mind, it is the Education Unit's responsibility to provide a strong system of continuing education for licensed officials.

How does this system work? Believe it or not, it is a cooperative effort between the inspectors and the education unit. The cooperation begins at each seminar when our staff members ask the participants for topics they think would be useful in the performance of their jobs. At the end of each semester, we compile a list of your suggestions (plus a few of our own). We send the suggestions to approved instructors, who review the topics and submit proposals for those they are qualified to teach. After careful review of the proposals, topics are selected that will best serve the inspectors.

The next task is to arrange the locations. As a rule, a new seminar is first offered at the Building Safety Conference. During the spring semester (April-July) we try to schedule each course in the northern, central and southern regions of the state. This gives the staff the opportunity to evaluate the seminar and determine whether it should be offered again during the fall (September-December).

During a code change year, there is a heavy emphasis on technical seminars. In other years the emphasis is on administrative courses, for which there is always a large demand. Consider that more than two-thirds of our many licensed inspectors hold subcode or construction official licenses, both of which demand administrative seminars for renewal. In addition, the instructors of administrative seminars request smaller enrollments. This combination of factors means that administrative seminars fill up fast.

When your Rutgers brochure arrives, consider the course selections as soon as possible and call with your reservation. Please limit your selections to two per semester to give everyone an equal educational opportunity. (The only exception to the rule is an inspector who is licensed in multiple disciplines. He or she may be permitted to take more than two courses in a semester.) If, after you have signed up for two seminars, you would still like to take more, please call again a few weeks before the seminar you want is scheduled. We will gladly add your name to the list if there is available space.

Please don't wait until the last minute -- or the last semester -- to fulfill your continuing education requirement! There is ample time to meet your requirements and to gather knowledge along the way. The seminars are created for you. Take advantage of them.

Source: Daniel J. McInerney
Education Unit
Bureau of Technical Services□

"MOST VALUABLE EMPLOYEE"

If I asked who is the most valuable employee in your construction code office, what would your answer be? Who holds your office together? More often than not, you would name your control person.

Let's consider what the control person does. The control person usually sets the tone of the office. Under the guidance of the construction official, she (or he) also provides technical assistance in the issuance of permits for building construction, with the objective of assuring compliance with the provisions of the Uniform Construction Code.

As we all know, the construction official is not always able to be in the office, so the control person must plan, organize, supervise, and coordinate in his absence. In a busy office, many things are happening at once: there are a few people at the counter filling out forms, one of whom is a homemaker who has several questions and

(Continued on Page 9)

doesn't quite understand why all this paperwork is necessary just to build a deck; the mayor wants a copy of the permit fee log from last month; the telephone is ringing; inspections are being logged. Somehow, all of these activities are being coordinated.

A control person must be organized, and must be able to cope with all kinds of people and situations. Cooperative working relationships are a necessity, not only with staff members but with the public. Effective communication techniques allow a successful method of operation to develop. Sometimes, just listening will be the answer. Many people, inspectors included, are constantly on the run. Little things cause them aggravation, and they want to share their thoughts and concerns.

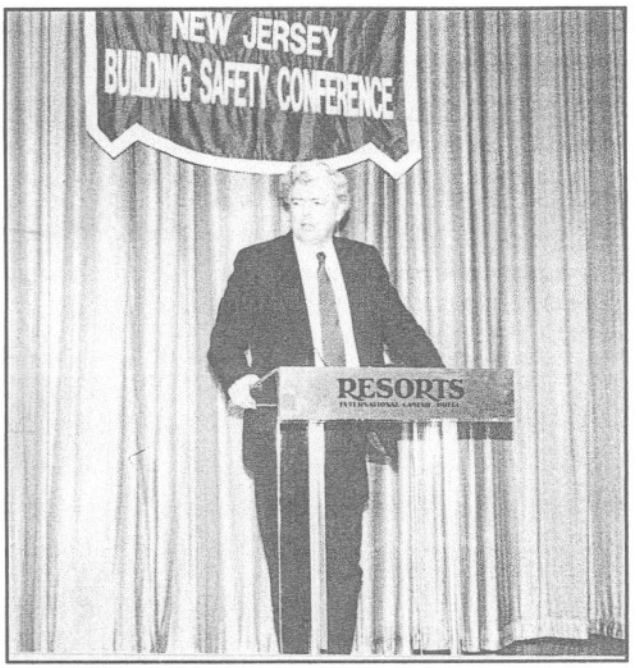
The job is demanding, but also gratifying. Control people can see their accomplishments every month when reports are completed. They can also see the results of their work around the community in which they live, as they see construction take place in which they played an important part.

We at the state level also recognize the importance of the control person's position. In the last year, control people have been invited to enroll at their community colleges and receive seventy percent tuition remission for completion of subcode or construction official courses. Also, we encourage control people to select seminars from our spring and fall schedules that will help them in the performance of their duties. Some seminars are even created with them in mind. We are pleased with their participation and hope that their construction officials continue to encourage them as well.

The control people throughout our state must also take a great deal of credit in the success of our computer program. The system has been created to streamline their workloads. We have provided advanced courses to help them make better use of the hardware and software in their offices. In addition, support groups are scheduled frequently to allow users to share information and to learn from each other. These have been very successful.

We will continue to hold control people in high regard. Clearly, municipalities should join us in supporting the people responsible for the smooth operation of the construction official's office. After all, where would we be without them?

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services□



Keynote Speaker William Connolly, Director, Division of Housing and Development, Department of Community Affairs

SOME FINAL THOUGHTS ON THE 1989 BUILDING SAFETY CONFERENCE OF NEW JERSEY

The 8th Annual Building Safety Conference is history and I would like to share some comments and complaints.

In general, this was probably our most successful conference. It was attended by 786 licensed inspectors, and we had to turn away almost 200 more. We hope to be able to correct that problem next year so all who wish to attend, can.

During the conference, twenty-four seminars were conducted and they all received good to excellent ratings, but the most popular function at the conference was the Crackerbarrel. This was a round table discussion session with refreshments served between rounds.

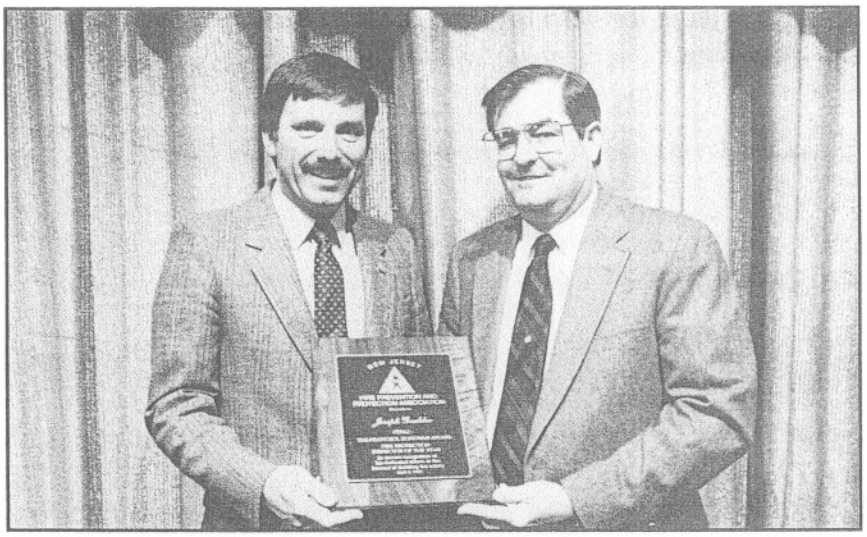
Popular though it was, the Crackerbarrel was the source of two of the most common complaints -- that not enough time was allowed at each table, and that only three tables could be attended. The decisions to allow only twenty minutes per table and to limit each participant to three tables were deliberate -- they kept the pace fast and the interest very high.

(Continued on Page 10)

The conference's single largest complaint, though, concerned the deli-style luncheon. Unfortunately, it was only after all seminar arrangements were made that we learned that the Super Star Theater, which we wanted to use for the luncheon, had only one serving entrance. Because of this, the hotel required at least two hours to serve a hot meal there, which would have ruined the Inspector of the Year awards presentation. To me, the awards ceremony is the single most important part of the conference, and therefore, we ordered a pre-set, deli-style luncheon.

We have already begun to work on the 9th Annual Conference. We have reviewed the 500 evaluation forms submitted this year, and we think 1990 will be bigger and better than ever.

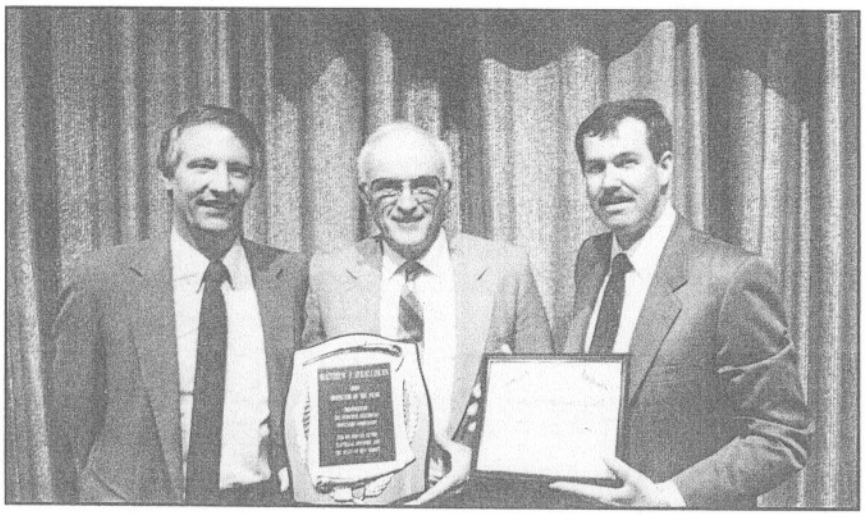
Source: William Hartz
Chief
Bureau of Technical Services □



Above: William Schultz, President, New Jersey Fire Prevention and Protection Association (*l.*), and Joseph T. Goukler, Jr., Fire Protection Inspector of the Year (*r.*)

Below: Gerard Garafalow, President, Building Officials Association of New Jersey (*l.*), and Pasquale Intindola, Building Inspector of the Year (*r.*)

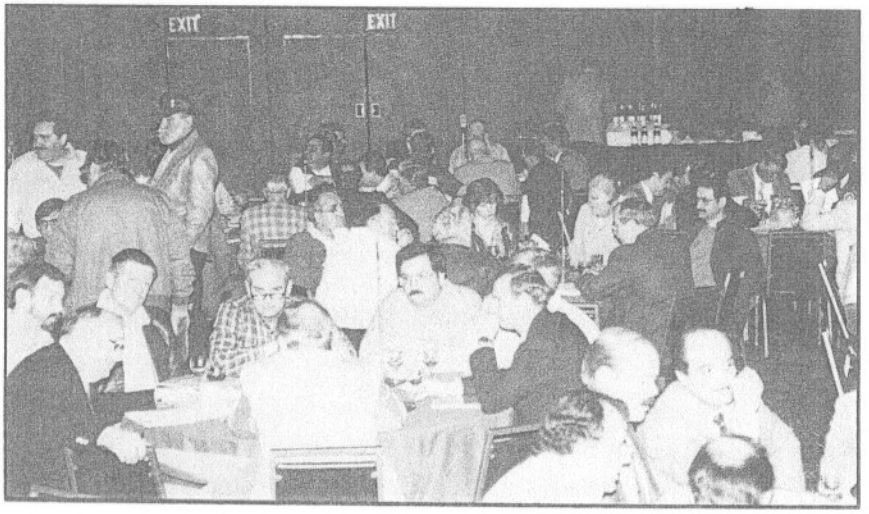




Left to Right: Joseph Wagner, President, Municipal Electrical Inspectors Association of New Jersey; Matthew J. O'Halloran, Electrical Inspector of the Year; Richard M. Marshall, Committee Member of Building Safety Conference of New Jersey



Left to Right: Robert McMahon, President of the New Jersey State Plumbing Inspectors Association; Daniel Danyanovitch, Plumbing Inspector of the Year; Robert Warren, Representative from the National Association of Plumbing-Heating-Cooling Contractors



Crackerbarrel, Building Safety Conference, Atlantic City, New Jersey, April 5, 1989

Construction Code Communicator

State of New Jersey
Thomas H. Kean, Governor

Department of Community Affairs
Anthony M. Villane Jr., DDS, Commissioner

Volume 1 Number 3 Fall 1989

SOME TWISTS ON FLEXIBLE DUCTS

What exactly is a class 0 flexible air duct? What is the difference between a flexible connector and a flexible duct? If you find yourself puzzled by these and other questions on flexible ducts, you should take some time to familiarize yourself with UL 181. Unfortunately, it is not possible for me to present everything that is included in UL 181 in this article. However, I would like to highlight those points that I feel are most needed by the inspector.

Both flexible ducts and connectors must be rated as class 0 or class 1 according to sections M303.1 and M303.2 of the 1987 BOCA Mechanical Code. To establish this rating, flexible ducts are subjected to the surface burning characteristic test that is part of UL 181. Class 0 ducts are made of materials that have surface burning characteristics of zero, while class 1 ducts are made of materials that have a flame spread of not more than 25 and a smoke developed rating of not more than 50. There is a third classification of ducts, class 2, made of material that has a flame spread of not more than 50, an inside smoke developed rating of not more than 50, and an outside smoke developed rating of not more than 100. This material may not be used for flexible ducts and connectors according to the 1987 BOCA Mechanical Code, however.

There are other tests besides the surface burning characteristics test that both ducts and connectors must meet. These include tests for burning, corrosion (applicable to parts of metals not inherently corrosion resistant), mold growth and humidity, temperature, erosion, pressure, collapsibility, tension, torsion, bending, and leakage. A specimen must pass all of these tests to be considered a duct connector. In addition to these tests, flexible ducts must also pass tests for flame resistance, flame penetration, and puncture and impact resistance. Because flexible ducts pass these additional tests, they are allowed to be any length. Connectors, on the other hand, are limited to fourteen feet in length (1987 BOCA Mechanical Code section M303.2.1).

It can be difficult to distinguish between a flexible duct and a flexible connector simply by looking at the material; however, there is an easy method. UL 181 requires ducts and connectors to be marked with certain information, including identifcation of the product as either flexible duct or flexible connector, the product's class (0, 1, or 2), and its pressure and velocity ratings. This information must appear at intervals of ten feet or less. (This spacing limitation makes it possible that some short runs will not be marked; however, if the material is similar in appearance to other longer runs, and if all the longer runs have the same mark, the shorter pieces can probably be assumed to be of the same material.)

Source: Michael Baier
Code Assistance Unit □

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PREMANUFACTURED CONSTRUCTION

In order to be installed in New Jersey, premanufactured construction must be certified as compliant with the Uniform Construction Code regulations, or with the Federal Manufactured Home Construction and Safety Standards, if it is a manufactured home (mobile home).

During 1988, 4,603 modulars, both residential and commercial units, were shipped into New Jersey. At present, there are 105 approved manufacturers which may ship premanufactured units - i.e., modular construction, components, and manufactured home add-on units - into New Jersey.

There are currently seven inplant inspection agencies (IPIA) authorized to review and approve premanufactured construction documentation for modulars, components and manufactured home add-on units with the following limitations of N.J.A.C. 5:23-4.29(a):

1. Factory-built portions of one- and two-family detached dwellings of Use Group R-3 as defined in the building subcode, or Use Group R-4 as defined in the one- and two-family dwelling subcode;

2. Factory-built portions of buildings of Use Group R-3 of Types 5A or 5B construction meeting the requirements of Section, 1409.1.2, 1984 Edition, 1985 Supplement of the building subcode, and not exceeding 4,800 square feet per floor;

3. Factory-built portions of buildings of Use Group R-2 of Type 5A or 5B construction as defined in the building subcode, and not exceeding 4,800 square feet per floor;

4. Building components as defined in accordance with N.J.A.C. 5:23-4.26(a)3;

5. Structures such as kiosks, parking lot attendant booths, and toll and telephone booths with an area not exceeding twenty-five square feet; and

6. Manufactured (mobile) home add-on units.

Construction documentation which the IPIA is not authorized to review and approve for compliance with the regulations must be reviewed and approved by the Department or by other state agencies designated by the regulations.

The inplant inspection agency inspects each unit during the manufacturing process. Upon satisfactory completion of the unit, this agency authorizes the application of the Department of Community Affairs insignia of certification at the location designated by the manufacturer.

The local enforcement agency is responsible for reviewing and approving plans and specifications for on-site construction related to structures which an inplant inspection agency is authorized to review and approve. The responsibility of reviewing and approving on-site construction plans and specifications related to all other structures rests with the Department or other state agencies designated by the regulations. The local enforcement agency is responsible for the necessary on-site construction inspections.

Manufactured homes (mobile homes) constructed in accordance with the Federal Manufactured Home Construction and Safety Standards will have a federal (H.U.D.) insignia of certification located on the outside of the rear wall of the unit. The local enforcement agency issuing the permit is responsible for the review and approval of the on-site construction plans and specifications for manufactured homes and the related necessary inspections. During 1988, 695 of these units were shipped into New Jersey.

Source: Robert J. Kaleita
Bureau of Code Services □

INTERLOCAL ENFORCING AGENCIES: A REASONABLE ALTERNATIVE

At one time or another, many municipalities have been confronted with the problem of reorganizing a construction code enforcing agency. In addition to organizing an all-municipal agency or contracting out sub-codes to private on-site inspection agencies, there is the alternative of forming an interlocal enforcing agency.

Interlocal enforcing agencies are regulated by N.J.A.C. 5:23-4.6, 7 and 8, as well as the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.) In practice, two or more municipalities may agree to form a single enforcing agency covering their geographical areas.. A four-year contract is formed between or among municipalities. One municipality must act as the interlocal host; this municipality serves as the lead agency in the group and is responsible for the fee ordinance, budget and finance, etc. The other municipalities in the group contract with the host municipality.

The contract covers the following items:

* Performance standards
* Allocation of responsibilities
* Cost sharing/payments
* Arbitration of disputes
* Agency hours
* Branch offices

An interlocal enforcing agency is an additional option open to New Jersey municipalities in construction code enforcement. If you have questions about interlocals, please contact Henry Riccobene at 609-530-8838.

Source: Henry Riccobene
Bureau of Regulatory Affairs □

OCCUPANCY POSTINGS

Questions have arisen regarding the posting of occupancy for rooms in educational facilities. Pursuant to the State Uniform Construction Code, specifically N.J.A.C. 5:23-3.5(b), every room or space in an educational section which requires posting in ''educational'' buildings will soon be amended to include the E Use Group. The section was written when schools were still in the A-4 Use Group and was not amended when the E Use Group was created. The State Uniform Fire Code also requires the posting of legal occupancies in educational facilities (see N.J.A.C. 5:18-3.2, Article 1500 (F-1500.4)). The State Department of Education is aware of these posting requirements in the construction and fire codes.

Apart from the legal occupancy allowable in educational spaces, the Department of Education requires ''occupancies'' based on what they have found to be quantities of space necessary for students participating in various activities. In no instance will the Department of Education's ''occupancies'' be greater than those in the BOCA Code or in the Uniform Fire Code; they will always be either equal or lower. According to code, you may require that the maximum allowable occupancy computed according to BOCA (or the UFC) be posted. Please be aware, however, that for educational purposes, the State Department of Education will likely be requiring lower occupancies than the legal limit, for example, for children in a laboratory, a gym, or a ''nap'' area in a kindergarten, because these activities require more space. While the maximum occupancy according to BOCA and the UFC is based on safe fire exit capacity, the Education Department will be requiring a school to provide more space than the BOCA or the UFC would require so that children can use certain types of equipment and perform activities that require more space. School administrators should be cautioned that the maximum legal BOCA or UFC occupancy, based on safe fire exit capacity, will be greater than that which the Education Department will require for many activities.

Further questions may be directed to John Garcia at the Department of Education's Bureau of Facilities Planning, 609-530-4352, or to Chrystene Wyluda, Esq., in the Code Development Section of the Construction Code Element at 609-530-8789.

Source: Chrystene Wyluda
Code Development Unit □

CONFLICT OF INTEREST

It appears that many licensed officials are still not completely familiar with 'Conflict of Interest' (N.J.A.C. 5:23-4.5(h)). Most people know that municipal employees are prohibited from engaging in construction-related activity for economic gain in municipalities in which they are employed as officials, or in adjacent municipalities. They may also be aware that individuals employed by private on-site agencies are not permitted to engage in construction-related activity for economic gain anywhere within the state.

The confusion seems to surround what constitutes ''construction-related activity for economic gain.'' Obviously, acting as a contractor or sub-contractor falls within this definition, as does furnishing building materials as a vendor. Not so clear-cut are such things as acting as an arbitrator in the new home warranty process, acting as a landscaper or surveyor, performing work for the municipality, or donating services to a religious or charitable institution.

The Department does not view acting as an arbitrator as a conflict, provided that the service is not performed on any home for which an individual had plan review, inspection, or administrative responsibility. The issue of acting as a landscaper or surveyor is not quite so simple. The Bureau's position is that to perform site work on properties under development and surveying for purposes of subdividing land constitutes conflict of interest. However, we do not prohibit the operation of lawn service and landscaping businesses, provided they are limited to properties where such work is not part of the construction activity.

Any licensed official may provide services free of charge to religious or charitable institutions. However, if that individual has responsibility for plan review, inspection or administration over the property in question, arrangements must be made for someone from another jurisdiction to provide those services.

When municipalities are having small jobs done on their own property, they often ask their officials to perform some of the work. We consider this acceptable - assuming, again, that plan review, inspection and administrative responsibilities are performed by someone from another jurisdiction. A further restriction is that the official must perform the work at his or her regular rate of pay.

I realize that there are numerous other questions which are not addressed here due to limited space, as well as the fact that no matter how many examples I list, something would be omitted. For this reason, I strongly urge anyone who may encounter these or any other questionable situations to contact me at the address below. There is no reason to place your licenses in jeopardy when we are prepared to give you written responses indicating what you may and may not do.

Dennis Warford
Bureau of Regulatory Affairs
CN 816
Trenton, New Jersey 08625-0816□

ACTING APPOINTMENTS

We all like to take vacation from time to time, and, unfortunately, we all occasionally get sick. In many industries, a week or two of vacation or illness usually does not pose a problem. Work continues, and the status quo is maintained. But what about the construction industry, which depends upon the municipal officials for permits, inspections, and certificates of occupancy? As they say, time is money, and when a municipal construction official or subcode official is out ill or on vacation for a week or two, all construction could conceivably come to a screeching halt.

I cannot stress enough the importance of planning for substitute enforcement. While a municipality does not become unclassified until twenty days have gone by with one of the required positions unfilled, it is not reasonable for a construction official or subcode official to go on vacation without arranging for a substitute.

If you are in a position to accept an acting appointment, bear in mind that you are subject to all the same rules and regulations as the subcode or construction official you are replacing. You are absolutely not exempt from the conflict of interest provisions, and your licensure level will dictate the classification of the municipality for plan review purposes.

Acting appointments may not extend or be renewed beyond sixty days without permission from the Department. All requests should be sent to William Hartz, Chief of the Bureau of Technical Services. The letter of request must give specific reasons for the special dispensation requested.

There is a typographical error in 5:23-4.4(a)6. It should read as follows: ''Notice to the department shall be provided within seven days any time an appointment is made for more than 30 days. Acting appointments may not be made for longer than 60 days, nor may they be extended or renewed beyond 60 days unless specific authority to do so is granted in writing by the department.''

For further clarification, please contact the Bureau of Regulatory Affairs at 609-530-8841.

Source: Louis Mraw
Bureau of Regulatory Affairs □

1989 BOCA CONFERENCE

During the week of June 18-22, 1989, Building Officials and Code Administrators International (BOCA) held its 74th Annual Code Development and Educational Conference in Schaumburg, Illinois. I attended that conference and wanted to pass on my impressions.

The conference began on Father's Day, Sunday, June 18, with the plumbing, mechanical, and fire prevention code change discussions. This was only the beginning of more than forty hours of code change hearings. Over thirty hours of these hearings dealt with the 1990 BOCA National Building Code. So much had to be accomplished, that on Wednesday, June 21, we started the hearings at 7:00 am, worked through lunch, and didn't adjourn until 6:00 pm. Was it fun? No! Was it a learning experience? Absolutely! I believe that listening to the pros and cons of every code change is an extremely valuable experience for the licensed code official.

In addition to the code change hearings, BOCA held six individual training programs, with topics ranging from Time and Stress Management and Effective Business Writing to Radon, Materials Approval, and Leaking Under-

ground Storage Tanks. I did not hear a negative comment on any program.

Finally, there was the crackerbarrel. Here, participants spent twenty-minute sessions with code experts from around the country. Again, no complaints - except they wished it could have lasted longer.

From what you've read so far, you may think the conference was all work. It wasn't. One night we had dinner and a cruise on Lake Michigan. It was a crystal clear evening with a view many of us will never forget. Then there was Western Night with dinner, country music, and dancing, not to mention the Annual Banquet and several hospitality nights. The fun lasts all evening, but the contacts you make at these social events may last a lifetime.

Those of you who know me know I have some experience in setting up conferences and training programs. The four BOCA conferences I have attended are the best learning experiences and the most fun of any conferences I have ever attended.

So why tell you this three months after the conference? To give you time to plan for the 75th Annual Conference! It is scheduled for June 24-29, 1990, in Hamilton, Ontario, Canada. I hope I'll see you there!

Source: William Hartz
Chief, Bureau of Technical Services □

UCCARS SYSTEM II

In the last edition of this newsletter, we explained what the Uniform Construction Code Activity Reporting System I did to help the municipality, the code official, the control person, and DCA. For those of you now on System I, let me give you an introduction to System II.

First of all, only those municipalities currently using System I are eligible to upgrade to System II. Of those municipalities, those who are transmitting their data to DCA by modem will have the first chance to receive training.

The first point that must be mentioned about System II is that it will require more work on the part of the municipality - more specifically, the control person. The construction official needs to understand this before beginning to use System II. If no staff is available to input the information, the municipality will not gain the benefits of the system.

Now to System II. The applicant enters your office with the information for a permit, most commonly a completed photocopy of the technical sections and a completed file jacket (F-100A). The control person enters the contractor information and the site data from the file jacket. Once the data is entered, it will be repeated automatically on all technical sections and on all future permits. The next set of screens will duplicate the technical sections of the standard forms. You realize that this used to be completed by the applicant, and now the control person has to do it. It's extra work at first, but the program will produce the following with no additional work:

1. All fees automatically calculated by subcode.
2. All technical sections printed with fees completed.
3. All permits completed, numbered, and printed.
4. All certificates completed, numbered, and printed.
5. All information from the technical sections transferred to your reports to be printed, or sent to DCA, without any additional information being required.
6. A list of all contractors working in your municipality, or just those jobs of a particular contractor, plus the expiration dates of all contractor licenses.
7. A list of the locations of all items requiring ongoing inspections.
8. State Training Fee and Federal Census Reports completed.
9. Complete cash audit reports.
10. Tax assessor reports.
11. And a screen that will let you combine items and make up your own lists and reports with over 100 combinations.

So, once you get past the idea that you have a little more work initially, I think you will be able to see the benefits you will receive.

We have not operated and developed this program in a vacuum. We have worked closely with the control people in four municipalities now using System I. Soon we will be testing the system in these municipalities. When it performs to everyone's satisfaction, then it will be available to other municipalities.

Then we will tell you about System III.

Source: William Hartz
Chief, Bureau of Technical Services□

LICENSING AND LICENSE UPGRADING

The following colleges offer Uniform Construction Code licensing courses. For information on specific courses, please call the coordinator at the appropriate college.

Atlantic Community College: James Foran 609-343-4984

Bergen Community College: Lisa DiBisceglie 201-447-7161

Brookdale Community College: Eileen Rainsford 201-842-1900, ext. 304

Burlington County College: Diane Cooke 609-894-9311

Camden County College: 609-227-7200

Cumberland County College: Gretchen Nass 609-691-8600, ext. 320

Essex County College: Carl Weininger 201-228-3971 (W. Caldwell) or 201-877-3439 (Newark)

Gloucester County College
Raymond Gangi or Vanal Perry 609-468-5000

Mercer Community College: Betty Johnson or Linda Milstein 609-468-5000

Middlesex County College: Dan Cullinane 201-906-2556

Morris County College: Linda Lower 201-361-5000

Ocean County College: Debra Speaker 201-255-4000

Raritan Valley College: Charles Speierl 201-526-1200

Union County College: Joann LaPerla 201-709-7603

The next date for the National Certification Test Modules is October 28, 1989, with a registration deadline of September 18, 1989. Call ETS at 609-921-9000 for information.

Source: Dan McInerney □

THE JOB DATA BANK LIST

The demand for Uniform Construction Code Officials throughout New Jersey is a reality. There are 567 potential local Construction Code Enforcing agencies within the state, not including authorized private third party agencies, and other state and county construction code enforcing agencies. Taking into account vacancies left by retirement, relocation, illness, death (as well as a somewhat limited number of licensed officials available to begin with), these figures translate into a continual need for licensed officials throughout the state.

Municipalities and authorized enforcing agencies would find it helpful to know exactly which licensed officials were available for employment, and the officials themselves would benefit by knowing where the vacancies were. For the past several years, the Bureau has been making the connections via the Job Data Bank List. This is a compilation of all New Jersey licensed officials who are seeking employment as Uniform Construction Code Enforcement Officials and who have asked that their names and other pertinent information be made available to potential employers.

The Job Data Bank List, therefore, serves a twofold purpose. It provides licensed officials seeking employment, with a ready source of interested prospective employers. Second, it provides the prospective hiring agency, which may have exhausted the usual and required procedures of recruitment, the convenience of a direct and easily accessible list of interested and qualified personnel.

Authorized municipal officials, third party agencies, or any other state or county enforcing agency may obtain a copy of the Job Data Bank List by writing to the following address:

Licensing Section
Bureau of Technical Services
CN 816
Trenton, New Jersey 08625-0816
Phone: (609) 530-8803

Source: Frank Salamandra
Supervisor, Licensing Unit □

The Construction Code Communicator is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Suggestions may be submitted to William Hartz, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. Articles may be reprinted provided credit is given to the Department of Community Affairs and the Department of Government Services.

PUBLICATION SERVICES

Take advantage of our Publication Services! Those licensed officials throughout the state who are keeping their Uniform Construction Code books in an orderly fashion may not need to subscribe. But we strongly urge the rest of you to take advantage of this service!

As many of you know, the Uniform Construction Code undergoes continuous revisions, and all licensed officials receive regular updates to the code book. If you keep a second book for your municipality, you must subscribe to the annual service. Others who may have an interest in this service are engineers, architects, and general contractors, to mention a few. (Keep in mind that this subscription service does not include the Uniform Construction Code book.)

The following items are available through the publications unit:

Uniform Construction Code	$15.00
Annual Subscription Service	$20.00
This service includes:	
Act updates	
Regulation updates	
Barrier Free Code updates	
Newsletters	
Bulletins	
Formal technical opinions	
Barrier Free Code (Subchapter 7 N.J.A.C. 5:23-7)	$4.00

You receive the "Construction Code Communicator" as part of the subscription service. If you need additional copies, you must purchase another subscription for $20.00.

To order the Uniform Construction Code, the annual subscription service, or the Barrier Free Code, please make checks payable to: Treasurer, State of New Jersey. You must enclose separate checks for each item you order. Mail checks with a cover letter to the Department of Community Affairs, Bureau of Technical Services, Publications Unit, CN-816, Trenton, New Jersey 08625-0816.

Source: Cecilia Heredia
Publications Unit□

THE ART OF NEWSLETTER WRITING

What does it take to write a newsletter? A lot of work and a lot of time! As I write this, it is July 12, 1989, and you have not yet received your second issue, Summer 1989, of the "Construction Code Communicator." We are finishing our articles for the fall edition, so you can see we have to plan ahead.

I don't want to write about work or time, however, but about input. This is now our third newsletter and we are writing about things we *think* you need to know. We have heard comments that the newsletter is interesting and beneficial, and everyone wants a copy. But we have not heard about what you want in the newsletter.

For years I have listened to your comments and suggestions. I've often admitted that some of my best ideas are your ideas. I still attend several training programs each semester just so I can stay in touch with the code official.

Take some time today - right now is even better - to think about how this paper could help you. Eight thousand people receive this newsletter, including all the licensed inspectors, everyone on the subscription service, and the mayor of every municipality, and I'll bet there are that many great ideas out there just waiting to come to me. Send them to:

Department of Community Affairs
CN 816
Trenton, New Jersey 08625-0816
ATTN: William Hartz

Source: William Hartz
Chief, Bureau of Technical Services□

Construction Code Communicator

State of New Jersey
Thomas H. Kean, Governor

Department of Community Affairs
Anthony M. Villane Jr., DDS, Commissioner

Volume 1 Number 4 Winter 1989

DEDICATED FEES

On November 6, 1989, the New Jersey Register published a notice of a proposed amendment to the regulations which should be of great interest not just to licensed officials, but to everyone concerned with proper and timely enforcement of the New Jersey Uniform Construction Code. The Department proposes that municipalities be required to carry a dedicated fund as a rider to the budget. This provision is an essential part of the Department's position that officials who enforce the New Jersey Uniform Construction Code must be given the tools necessary to carry out their duties.

The law requires that construction code fees received by a municipality "shall not exceed the annual costs for the operation of the enforcing agency." The Department's belief is that the establishment of a fund into which these fees must be deposited, and out of which they can be expended only for activities in support of construction code enforcement, is a reasonable and logical way to ensure that the statutory mandate is met.

In brief, the proposed rule provides that, beginning March 1, 1990, all fees collected must be deposited into this dedicated fund, and it specifies both the direct costs (e.g., salaries, motor vehicle costs, equipment, furniture, etc.) and the indirect and overhead costs (e.g., insurance, office space expense, building maintenance, etc.) which may be paid out of the fund. It further requires that indirect and overhead costs may not exceed 12 percent of all other costs of the code enforcement agency unless the indirect and overhead costs of the municipality as a whole also exceeds 12 percent of the entire municipal budget.

Most importantly, this fund will carry over from one budget cycle to the next. Thus, fees collected for a project which receives its construction permits in December will be available to pay the salaries of the inspectors who will inspect that project the following July. In this way, those persons who actually benefit from the services of the inspectors (those who ultimately occupy the buildings) will be paying for those services (in the form of costs passed on in purchase price or rent).

We urge anyone with an interest in this important proposal to obtain a copy. Send your comments to: Michael L. Ticktin, Esq., at the Department of Community Affairs, 101 South Broad Street, CN 802, Trenton, NJ 08625 by the specified deadline. Copies may be obtained by writing to: William Hartz, Chief, Bureau of Technical Services, 3131 Princeton Pike, CN 816, Trenton, NJ 08625.

Source: Charles M. Decker, AIA
Assistant Director
Division of Housing and Development

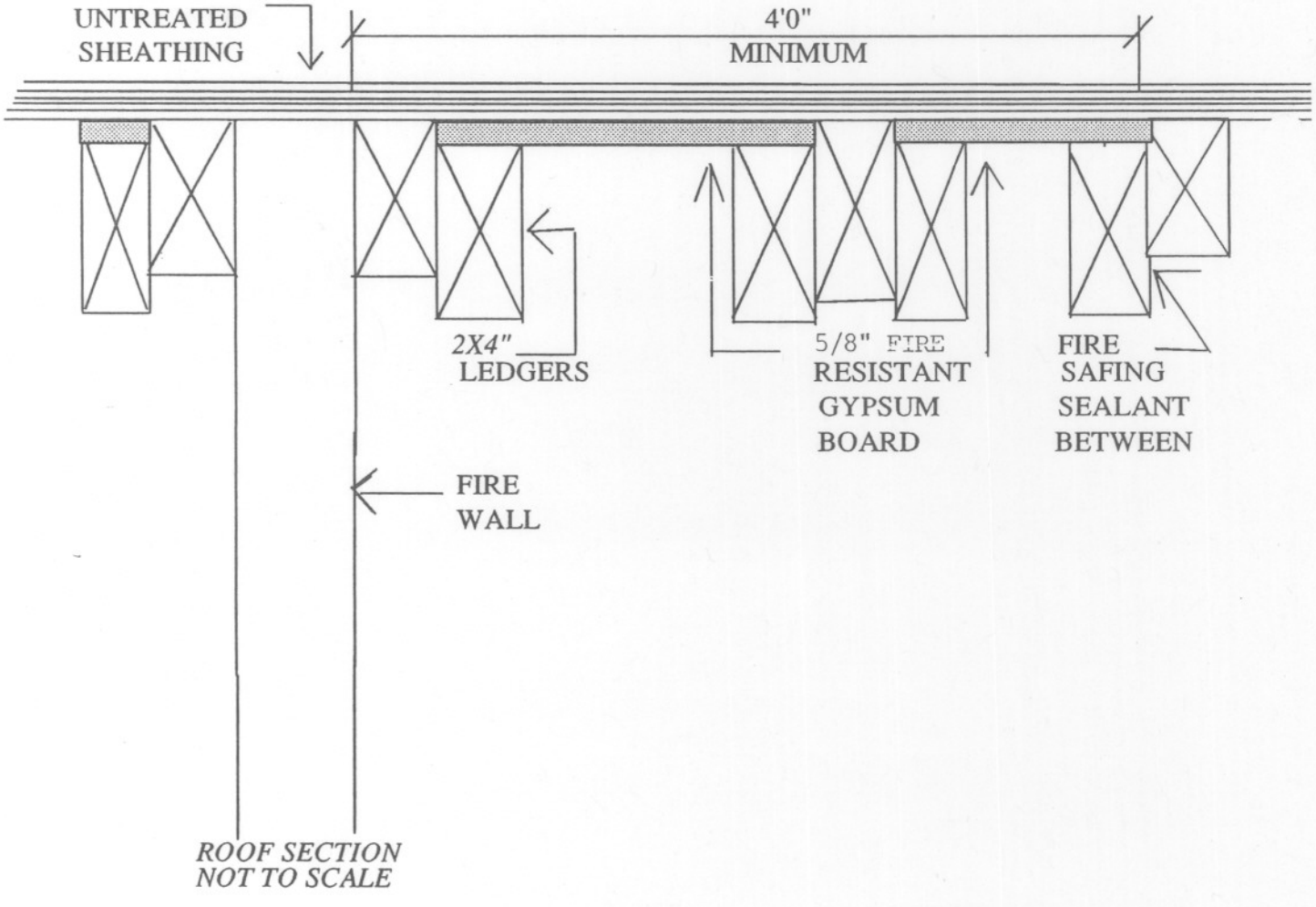
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FIRE RETARDANT TREATED PLYWOOD

The Department of Community Affairs has continued to research the potential extent of the problem of premature degradation of fire retardant treated plywood (FRT) used as roof sheathing in certain types of residential construction. In conjunction with the research, Department staff have reviewed various alternatives to FRT plywood in construction. All construction officials and various trade and professional associations with an interest in the issue have received an informational letter from the Department detailing an acceptable alternative to FRT plywood installation. The alternative method involves using untreated plywood roof sheathing in combination with fire-rated gypsum board. Please refer to the detailed sketch below. The Department is in the process of publishing this alternative in the New Jersey Register as an interpretation.

The following sketch illustrates a method the Department recommends as an acceptable alternative to FRT plywood installation. As shown, untreated plywood is attached to the joists or trusses and passes over the fire wall assembly. Five-eighths-inch fire-rated gypsum board is screwed to the plywood sheathing beneath the plywood and between the joists or trusses. *Care must be taken not to penetrate the upper surface of the plywood with the screw points.* Ledger boards of nominal 2x4 material are applied to the joists or trusses against the gypsum board with a fire sealant between the ledger and the joist or truss. This will effectively create a heavy timber, thus extending the time the joist or truss will withstand fire.



NEW HOME WARRANTY PROGRAM: LOCAL CONSTRUCTION OFFICIAL'S RESPONSIBILITIES

For the New Home Warranty Program to be effective, all local construction officials should be aware of the following issues:

A builder should always be required to show a valid New Home Builder Registration Identification Card in order to obtain a building permit for the construction of a new home. Often, construction officials are familiar with the builders in their area and fail to check the I.D. card. When a builder's registration is expired, however, the New Home Warranty Program does not take a revocation action; a renewal is merely denied. Registration expirations and denials do not show up on the Revoked and Suspended List. Although an expired registration will often be renewed upon application, sometimes an expired registration is an indication of significant problems with the builder, so it pays to request a valid I.D.

There may be times when a builder has a valid New Home Builder I.D. Card, even though the program has revoked or suspended the builder's registration. Therefore, the Revoked and Suspended list should be checked before a new home building permit is issued to any builder.

A provision in the New Home Warranty Regulations (5:25-2.1(d)) allows a person to construct a house for his or her own use and occupancy without registering as a builder or issuing a warranty. In order to obtain a Certificate of Occupancy, however, a person pursuing this course must make the certification required in Section I.C. on page 2 of the Standard Permit Forms jacket. Without the certification, a homeowner may succeed in having a warranty issued, without having paid the premium, and no builder can be held accountable for warranty performance under these circumstances.

The above-described certification method of obtaining building permits and Certificates of Occupancy is often abused by builders. Therefore, owners should be made aware of the consequences of certification; that is, that they are giving up the right to a new home warranty.

A contractor who acts as the prime contractor or who is available to construct new homes is required to register as a new home builder even if the units will not be warranted because of certification.

A builder who constructs a house for retention certifies to either (1) owning the property and intending to retain it; (2) having built the house as an investment for rental/leasing; or (3) agreeing to notify the purchaser, in writing, that no warranty will be issued in the event that the property will be sold.

Often, more than one registered builder will participate in a single development or project. These others may include the sponsor/developer, the general contractor, and even some of the subcontractors. The builder to issue the warranties is the one who will be transferring title; this is not necessarily the same builder who obtained the permits. So, two things to keep in mind are that the builder to issue the warranty is the one transferring title, and that that builder must be a registered new home builder.

Another issue is the confusion that surrounds modular homes. Except for mobile homes, which are constructed to federal standards (and not the UCC), modular homes are covered by the same warranty as any other housing unit in New Jersey. The builder is responsible for all warranted defects and cannot evade responsibility because the unit was purchased from a factory.

For New Home Warranty purposes, a construction official is required only to ensure that a valid Certificate of Participation (warranty enrollment form) has been issued in order to provide a Certificate of Occupancy. However, if it appears that material changes have been made to the certificate (selling price, commencement date) a call to the New Home Warranty Program for verification of this information would be appreciated.

If a homeowner is served with a violation notice (after the Certificate of Occupancy has been issued) he or she can file a Request for Warranty Performance for the Abatement of Violations, in the same manner as for any defect covered by the warranty.

Above all, *if the lower right hand block on the Certificate of Participation is not stamped with a validated stamp and number, do not issue a Certificate of Occupancy without calling this Department.* If you have any questions on the validity of a builder's registration or concerns about a warranty, please call the New Home Warranty Program at one of the following numbers: *Builder Registration* - Marie Sniadach - 609-530-8800; *Warranty Enrollments* - Frank Bonelli - 609-530-6367.

Source: George Bojarski
Supervisor, Builder Registration
New Home Warranty Program

ELECTRICAL INSPECTORS/ ELECTRICAL CONTRACTORS

A Meeting of the Minds

For many months, the education unit has been asked if the continuing education units earned for electrical inspector training could be applied to meet the continuing education requirements for electrical contractor training. On September 28, a meeting to discuss the issue was held in Newark at the Office of the Board of Electrical Contractors. Representatives from their Board, the electrical subcode committee, Rutgers University, and the Bureau of Technical Services were present. A meeting of the minds occured, and it was agreed that the contractors who were also licensed inspectors could apply the credit received toward the continuing education requirements of the contractor.

The contractor is required to obtain nine credit hours of technical and one hour of administrative training accordint to an outline developed by the board. Our inspectors, ICS or HHS level, need ten credit hours, or 1.0 CEU, for license renewal.

A compromise was reached that our seminars will be acceptable to the contractors (a two day seminar, five hours each day, 1.0 CEU) if we can add the one extra hour of administrative material required by the guidelines of the Board. All contractors who are present and who would like to receive credit toward their contractor's licenses will be required to remain for the extra hour; other inspectors will be excused. Our first seminars to take advantage of this arrangement will be in the spring semester 1990, and at the Building Safety Conference in Atlantic City at Trop World, April 18, 19, 20, 1990.

We are very pleased to be able to offer our electrical inspectors this opportunity. It will save them valuable time, while allowing them to take advantage of the continuing education that keeps us all knowledgeable in our professions. Without it our professionalism would suffer a loss!

The Board of Electrical Contractors and the Bureau of Technical Services thank you for your continued support.

Source: Susan H. McLaughlin
Supervisor of Education
Bureau of Technical Services

1990 BUILDING SAFETY CONFERENCE

All arrangements for the 9th Annual Building Safety Conference of New Jersey have been finalized. The information concerning course offerings, meal payments and hotel registration will be mailed to you on February 9, 1990. This will allow five weeks for you to make your course and hotel reservations.

Last year, almost 200 people were turned away from the conference because all classes were filled. The same was true of the hotel rooms; we were able to get an extra sixty rooms, but there still were not enough. The arrangements we have made this year have addressed these problems as much as possible, but this is the largest construction code conference of its kind and those who wait until the last minute will probably find no room at the inn.

The following information will help you make your plans for the conference. This year's conference will be held at Trop World Casino and Entertainment Resort in Atlantic City on April 18-20, 1990. We have blocked 425 rooms for April 18 and 500 rooms for April 19. In addition, we have requested 75 rooms for the night of April 20, if you want to stay until the weekend. The room cost is $80.00 per night for single or double occupancy. Reservations may not be made until you receive your notification in February.

The schedule for the conference is as follows:

Wednesday, April 18, 1990	
6:00 - 6:30pm	Inspector and Spouse Registration
6:30 - 8:00pm	Crackerbarrel - Round Table discussion groups for code officials
6:30 - 8:00pm	Bingo program for spouses
Thursday, April 19, 1990	
7:00 - 8:15am	Inspector and Spouse Registration (continued)
8:30 -11:45am	Seminars
12:00 - 2:00pm	Inspector of the Year Luncheon
2:00 - 4:00pm	Seminar Conclusion
4:15 - 6:00pm	Reserved for Association Mtgs.
Spouses	
7:30 -11:00am	Continental Breakfast
10:00 - 4:00pm	Cape May Tour
10:00 - 4:00pm	Various programs for those not on the tour
Friday, April 20, 1990	
8:00 - 1:00pm	Seminars and Spouses' programs

We anticipate the meal cost to be $35-$40 for the Inspector of the Year Luncheon. As in past years, all other meals will be on your own.

Finally, to help you with your seminar registration, this conference will conduct primarily 1990 code updates in building, fire protection, plumbing, and electrical. We will also try to hold a few administrative seminars, but these will fill up very quickly. It may be wise to plan on taking your administrative courses during the regular seminar semester.

Every year this conference gets bigger and better. This year we expect 900 code officials to attend. That is 125 more than were able to attend last year.

We hope to see you there.

Source: William Hartz
Chief, Bureau of Technical Services

CONSTRUCTION OFFICIALS AND ADVOCATES FOR THE BARRIER FREE SUBCODE

The time has come to review the role of the barrier free advocate. There are several responsibilities inherent in the barrier free advocate's role. To be an advocate is to speak on behalf of another. To be a barrier free advocate is to speak on behalf of another about accessibility for the disabled and the Barrier Free Subcode. Advocacy implies specific knowledge; barrier free advocacy implies specific knowledge about the Barrier Free Subcode. After being trained by the Department, the barrier free advocate agrees to provide opinions on the issues affecting the Barrier Free Subcode for those who might otherwise not be represented.

The barrier free advocate speaks in response to a direct request. Initially, the barrier free advocate's opinion was sought by the Construction Board of Appeals. It is now becoming increasingly common for local construction officials to request an opinion. Although this may help resolve some questions before they go through the appeals process, it is important for both the barrier free advocates and the construction officials to remember that the barrier free advocate can give an opinion only. This opinion is issued as a public service. The barrier free advocate cannot give an interpretation of either design or law.

The responsibilities of the barrier free advocate are to act as the eyes and ears of DCA concerning barrier free access, to report findings and opinions to the local Construction Official and to the Construction Board of Appeals when asked, and to be aware of changes and revisions to the Barrier Free Subcode.

The Education Unit of the Bureau of Code Services is working to implement one standard training course for all barrier free advocates and to review and assess their role and their responsibilities. Those barrier free advocates currently on the advocate list have been contacted and asked to submit information about the services they have been asked to render. Once received, the information will be collated and an updated list of barrier free advocates will be prepared.

Source: Emily Templeton
Code Development Unit

PRIOR APPROVALS

How many prior approvals do you have in your municipality? We hear the words "prior approval" mentioned to us so often we thought it would be a good question to ask. We'll let you know who sets the record!

Prior approvals, remember, include all federal and state agencies, or any political subdivision of the state which are not inconsistent with the Uniform Construction Code, along with any established by your own municipality. Most prior approvals have conditions that must be met before construction permits or a certificate of occupancy can be issued. Some examples:

1. Zoning
2. Soil erosion and sediment control
3. Highway curb cuts
4. Water and sewer service extension permits
5. Coastal areas facilities review
6. Freshwater wetlands
7. Underground storage tanks
8. Flood plain provisions
9. Pinelands approval

The list goes on ad infinitum. Each prior approval, though, is very important, and it is essential that the appli-

cant address each one that applies before submitting plans for a permit. The Uniform Construction Code requests that the construction official be given a statement that all required state, federal, county, and local prior approvals have been given before a permit is issued. Many municipalities have created their own checklists that identify the prior approval agencies with contacts and telephone numbers. The checklist is included in the application package given to an applicant at initial inquiry, and saves you and your office personnel a lot of time.

Some prior approvals are more complex than others. Many apply to certain areas of the state only. Our construction officials get to know their own territories well! In the education unit, we try to include in our curriculum as many prior approval seminars as possible to enlighten the inspectors. These have proven very helpful in the past.

As new legislation is passed, more prior approvals will follow. We continue to be a resource for our inspectors by providing as much information as we can. Remember, your ideas are important to us, so if there are other ideas you would like to see developed on this timely subject, please let us know.

Also let us know if you think you can take the record on prior approvals!

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

UPDATED MUNICIPAL ROSTERS AND THEIR IMPORTANCE

Each municipal construction code enforcing agency within the state of New Jersey is made up of four subcode official positions - building, electrical, plumbing, and fire protection - and one construction official position. Persons having the required licenses can be appointed to one or more of these positions; however, no more than one individual at a time can occupy the same subcode or construction official title.

The Regulations require that each municipality that establishes its own Construction Code Enforcing Agency must officially notify the New Jersey Department of Community Affairs of the name of each individual appointed to the above positions, as well as all subsequent changes that may occur later. Based on the information submitted, the Department then officially certifies each agency in one of three authorized categories - Class I, Class II, or Class III - thereby regulating the type of building construction that the established agency is permitted to review. The critical point of emphasis here is the Department's official determination of an agency's classification and subsequent authorization to perform the level of construction plan review allowed within the confines of the Regulations. Because the above information is so vital in the classification of a municipality by the Department, failure to provide the Department with the most current roster of names constituting the municipality's enforcing agency staff is a violation of the Regulations, and therefore subject to disciplinary action by the Department. Delinquency in this matter can also lead to other types of legal complications, such as the unauthorized issuance of permits by a municipality not properly classified to do so.

As a reminder to the construction official and mayor of each municipal enforcing agency, the Department mails out a Municipal Roster printout on a quarterly basis. One of these quarterly rosters is sent to the mayor of the municipality, and the other three are sent directly to the construction official. The roster is comfirmed for accuracy by the appropriate officials of a municipality. If the roster is incorrect, the construction official notes the corrections on the roster, and promptly returns a copy of the corrected roster to the Department.

We ask each construction official and relevant supervising administrator of a municipality to take special note of the above information, and to comply with the requirements as described above, as promptly as possible.

All information and questions should be directed to the Licensing Section, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816.

Source: Frank Salamandra
Supervisor, Licensing Unit
Bureau of Technical Services

1989 NATIONAL STANDARD PLUMBING CODE SUPPLEMENT ADOPTED

The 1989 Supplement to the 1987 National Standard Plumbing Code was adopted November 1, 1989. The errata to that code follow.

Errata to the 1989 NSPC Supplement

Page 21, Section 5.4.5: first line of second paragraph should read, "For buildings with a floor slab, a crawl space of less than 18 inches...."

Page 22, Figure 7.4.5: add "21 inches" above the word "clearance" shown at the front of the water closet located at the top left of the page.

Page 24, Table 7.24.1: at the end of the row for 1.C. Assembly-Restaurants, add the numbers 11 and 12 under the Note Reference column.

Page 29, Table 7.24.1: In note 3, change "60%" to "50%."

Page 30, Application of table 7.24.1 should read as follows (changes underlined):

APPLICATION OF TABLE 7.24.1

The Administrative Authority is called upon to use good judgment when applying this table. Over the course of its development, the notes have been added to simplify the judgmental interpretations. Nothing shall preclude the installation of fixtures in excess of the code requirements. Before studying these examples, please read the table notes for special precautions.

EXAMPLE A. Church with seating for 1500 use group 1-A

Procedure: To determine the male/female ratio, use Table Note #3

1500 Persons X 50% = 750 males
750 females

	Water Closets	Lavatories	Drinking Fountains
750 male	4	2	2 (based on total)
750 female	5	3	

The four water closets required for males may be divided between two water closets and two urinals based upon Table Note #4. The drinking fountain is based upon the total census of 1500 persons.

A service sink and private facilities are often provided for convenience.

EXAMPLE B. Fast food restaurant with seating for 160 and 12 employees use group I-C and II-B. Applying Note #3

	WC	UR	LAV
160 persons x 50% = 80 male	2	1	2
80 female	3	-	2

(no change to page 31)

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services

NEW FEES-NEW FORMS

As 1990 begins, please keep in mind that the new fee schedule should have been adopted and your revised standard forms must be ready for use. Both are mandatory for the operation of the construction official's office.

No extensions will be granted in the use of the old forms, which you have been able to use through the end of 1989. Your supply of new forms must be in use by January 1, 1990. To order the forms, please use the mechanical copies with specifications that were sent to your construction official in March 1989. If you did not receive the mechanicals, please let us know immediately.

The revisions to the fee schedule were sent to the construction official in September 1989, and we have already answered many questions about the changes. If you have any questions, give us a call.

As always, the staff of the Construction Code Element appreciates your support during the transition period.

Source: Susan H. McLaughlin
Supervisor, Education Unit
Bureau of Technical Services

SPECIAL FLOOD HAZARD AREAS: THE MEANING OF CONSTRUCTION AND DEVELOPMENT

Most municipalities in New Jersey are familiar with the term "construction." Municipal building codes and ordinances are designed to regulate the erection, alteration, repair, renovation, demolition, or removal of any building or structure. However, the term "development" may be new to many communities. Rather broad in scope, it is defined in the National Flood Insurance Program regulations as:

> "Any manmade change to improved or unimproved real estate, including but not limited to buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations."

In addition to buildings and other structures, the term also applies to most land development activities, such as grading and paving roads and the installation of water and sewer service and related facilities; site preparation activities, such as the placement of fill and excavation work, including the installation of on-site sewage systems; mining operations for the extraction of natural resources, such as sand and gravel, limestone, gas and oil, coal and other minerals. It also covers the clearing of water obstructions and the dredging of stream channels, and any disturbance of sand dunes.

Taken literally, permits would be required for just about anything imaginable from planting a tree to putting in a mail box. However, the intent of the NFIP regulations, and of local flood damage prevention ordinances in general, is to reduce future flood damages. Therefore, activities which have no direct bearing on increasing flood damage or aggravating flooding conditions are excluded from the permit requirements. All municipalities participating in the National Flood Insurance Program are required by their Flood Damage Prevention Ordinance to have an application for a development permit.

Contact Bruce Wallauer, NJ Department of Environmental Protection, Division of Coastal Resources, Flood Plain Management Section, CN 401, Trenton, NJ 08625, or call 609-292-2296, for further details.

Source: Clark Gilman, P.E.
Chief, Flood Plain Management Section and
New Jersey Coordinator for the National
Flood Insurance Program

BARRIER FREE SUBCODE AMENDMENTS

As you are aware, Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) prohibited discrimination in the sale, rental, and financing of dwellings based on color, religion, sex, or national origin. In September 1988, President Reagan signed into law the 1988 Amendments to the Fair Housing Act expanding the coverage of Title VIII to prohibit discriminatory housing practices based on handicap and familial status.

This new extension of federal law makes it unlawful to design and construct certain multi-family dwellings for first occupancy after March 13, 1991, in a manner that makes them inaccessible to persons with handicaps. All premises within such dwellings are specifically required to contain features of adaptive design so that the dwelling is readily accessible to and usable by persons with handicaps. The federal law covers new buildings consisting of four or more dwelling units if such buildings have one or more elevators; and ground floor dwelling units in any other new buildings consisting of four or more dwelling units. Nothing in the Federal Fair Housing Act invalidates or limits any state law that requires dwellings to be designed and constructed to afford handicapped persons greater access than is required by the federal Act. If, however, a state building code's accessibility provisions are not in accordance with, or are less stringent than the Act's requirements, then the state code is superseded.

In addition, the Fair Housing Act specifically prohibits a property owner from forbidding a handicapped person to make reasonable modifications to the existing premises in order to fully enjoy the premises he or she will occupy. With respect to rental property, a landlord may require that the renter agree to restore the interior of the premises to its original condition when he or she moves out. The Fair Housing Act also makes it unlawful for a property owner to refuse to make reasonable accommodations in rules, policies, practices, or services to afford a handicapped person equal opportunity to use and enjoy a dwelling.

With respect to the new protection for families with children, the Fair Housing Act prohibits discrimination because of familial status (generally, the presence of children under 18 in a family) in the sale or rental of housing. However, the Fair Housing Act provides an exemption from this prohibition for housing which qualifies as "housing for older persons."

In order to bring the Uniform Construction Code's Barrier Free Subcode into compliance with the new federal law, changes to the Barrier Free Subcode were proposed in the September 5, 1989 New Jersey Register. Specifically, exemption 1 of N.J.A.C. 5:23-7.3(a) was modified from four or fewer dwelling units to three or fewer dwelling units. When the proposed changes are adopted, the Barrier Free Subcode will apply to four-unit buildings. The Barrier Free Subcode meets or exceeds the requirements of the new federal law in all other respects. In brief summary, it requires that:

> the public use and common use portions of such dwellings are readily accessible to and usable by handicapped person;
>
> all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
>
> all premises within such dwellings contain the following features of adaptive design:

(1) an accessible route into and through the dwelling

(2) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(3) reinforcements in bathroom walls to allow later installation of grab bars; and

(4) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

This new federal law serves to emphasize the importance of compliance with the provisions of the Barrier Free Subcode. An owner who fails to conform now violates federal as well as state law. Construction and subcode officials should place even greater emphasis on barrier free issues when reviewing plans and conducting inspections. In doing so they will be assisting both owners and the handicapped. If there are any questions concerning these matters, the Code Assistance Section may be contacted at 609-530-8793.

Source: Mitchell Malec
Supervisor, Technical Policy
Division of Housing and Development

NOTICE OF EFFECTIVE DATE OF MODEL CODES

Please note that the 1989 supplements to the BOCA National Building Code/1987, the BOCA National Mechanical Code/1987, and the National Standard Plumbing Code/1987 are now available. The effective date for the use of these model codes in New Jersey is November 1, 1989. The State Uniform Construction Code Act, remember, provides that "the initial adoption of a model code or standard as a subcode shall constitute adoption of any subsequent revisions or amendments thereto." Watch the New Jersey Register for proposed amendments containing all necessary technical and editorial changes.

CODE ADOPTIONS AND THE NEW JERSEY REGISTER

The chart that follows brings you from the adoption date of our first New Jersey Uniform Construction Code to the present. This frequently demanded chart can be a valuable reference. A steady effort toward code improvement produces occasional amendments, modifications, or deletions which are not included here, so only the most important features, namely model code and subcode adoptions, appear in this chart. All minor code modifications (as well as major adoptions) are chronicled in the New Jersey Register, discussed in more detail below. This year's list, complete through October 16, is below:

N.J. Register dated	
2/6/89	288(a) 5:23-3.15 Plumbing Subcode
7/3/89	1844(b) Asbestos Hazard Abatement Subcode 5:23-8.1 8.2 and 8.4 through 8.22. Adopted New Rules 5:23-8.3, 8.16, 8.23, 8.24. Adopted Repeal 5:23-8.15.
7/17/89	2127(a) Emergency Adoption: (effective 7/3/89): Standards for Municipal and Departmental Fees 5:23-4.17, 4.18, 4.19, 4.20.
8/21/89	2474(a) 5:23-4.3 Municipal enforcement agencies establishment.
10/2/89	3086(a) Standards for Municipal and Departmental Fees 5:23-4.17, 4.18, 4.19, 4.20.
10/16/89	3319(a) Public Notice: UCC: effective date of model codes.

(continued on page 11)

NEW JERSEY MODEL CODE ADOPTIONS

Building Subcode	Electrical Subcode (NEC)	BOCA Nat'l Energy Cons.	Fire Subcode (BOCA/ NFiPA)	Mech. Subcode (BOCA)	Plumb. Subcode (NSPC)	1&2Family (CABO)	Effective Date
1975	1975		1975		1975		01-01-77
1976/S			1976/S				12-01-77
1978	1978		1978		1978		10-01-78
1981	1981		1981		1980		05-07-81
1983/AS			1983/AS		1981/82/S		02-22-83*
1984	1984		1984	1984	1983		08-06-84
1985/S			1985/S	1985/S			04-01-85
						1983	07-01-85
					1984/85/S		02-03-86
1986/AS			1986/AS	1986/AS			09-22-86
1987	1987		1987	1987			04-01-87
					1987	1986	09-21-87
1988/S			1988/S	1988/S			06-20-88
						1987/88/S	08-15-88
		1987					09-06-88
					1988/S		02-06-89
1989/S			1989/S	1989/S	1989/S		11-01-89

S = Supplement
AS = Accumulative Supplement
* = Operational Date

(continued from page 9)

The reference numbers and letters preceding each item indicate the page and location on the page where the item appears. Items listed as proposals cannot be enforced - only adopted items can, and only from their effective date forward.

The New Jersey Register is the official journal of state agency rulemaking, and is a compilation of state agency proposals and adopted rules. The publisher furnishes this additional information:

> The New Jersey Register is published the first and third Mondays (Tuesday, if Monday is a holiday) of each month by OAL Publications of the Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Telephone: (609) 588-6606. Subscriptions, payable in advance, are one year, $90.00 ($180.00 by First Class Mail): back issues when available $10.00 each. Make checks payable to OAL Publications.

Source: Maria Roth
Code Assistance Unit

AMENDING A FEE SCHEDULE

The recent changes in UCC administrative regulations concerning municipal fees will require construction officials to review and probably amend their municipal fee schedules. The New Jersey Administrative Code 5:23-4.17 requires that the municipal construction official, with the advice of the subcode officials, prepare a biannual report indicating his or her recommendations for a fee schedule based upon the operating expenses of the agency. This report is intended to provide guidance to the municipal governing body in establishing a municipal fee ordinance. A copy of the report along with the amended fee ordinance must be filed with the Division of Housing/Construction Code Bureau of Regulatory Affairs.

What are the factors that go into developing a viable fee schedule? The UCC regulations require that the fee schedule be calculated to cover the cost of UCC enforcement. The construction official must estimate enforcement needs over the next two years and plan the activities of the enforcing agency accordingly. Several sources of information are available for making these estimates: past permit activity, local planning board approvals, the municipal master plan. The fee schedule should be designed to assess equitable fees to applicants receiving concomitant inspection and plan review services. Developing municipalities with heavy new construction activity will need to raise volume-based fee revenues; redeveloping municipalities with rehab or alterations work will primarily depend on cost-based fees. If the construction official understands the nature of construction activity in the municipality, he or she will have taken the biggest step in developing a fee schedule.

Source: Henry Riccobene
Bureau of Regulatory Affairs

RECIPROCAL CREDIT

What is reciprocal credit? It is continuing education credit awarded for a course that is recognized by both the Construction Code Element of the Bureau of Technical Services and the Fire Safety Element, Fire Safety Programs/ Enforcement/Training. A course that is approved for reciprocal credit may be used toward the renewal of *both* your UCC license and your Bureau of Fire Safety Certification.

To receive reciprocal credit, you should have both license and certification number available at the seminar you are attending. These numbers will be recorded on the roster and exchanged with the other bureau. If by chance you don't have both numbers with you, you may photocopy the certificate you receive and send the copy to the appropriate bureau yourself.

The final responsibility for receiving reciprocal credit lies with you. Because the system occasionally falters, please remember to check your transcript at the end of each semester to verify that the records match. If there is any discrepancy, call the appropriate bureau for help: Bureau of Technical Services: 609-530-8798; Bureau of Fire Safety: 609-633-6117.

Remember, reciprocal credit has nothing to do with duplicate credit. *Reciprocal credit* is credit awarded by both bureaus for the same seminar. *Duplicate credit* would be credit received for taking the same seminar more than once during the two-year licensing period (this is not allowed.)

We hope this information will be helpful when you make your course selection.

Source: Larry Wells
Education Unit
Bureau of Technical Services