

COMMUNITY AFFAIRS

(a)

AGRICULTURE

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Adopted Amendments: N.J.A.C. 5:23-2.15, 2.20, 3.2, 3.4, 3.14, 4.4, 4.5, 4.12, 4.13, 4.14, 4.18, 4D.3, 4D.4, and 6.2

Adopted New Rule: N.J.A.C. 5:23-7.1

Proposed: August 7, 2017, at 49 N.J.R. 2332(a).

Adopted: June 27, 2018, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs, and January 25, 2018, by Douglas H. Fisher, Secretary, Department of Agriculture.

Filed: July 17, 2018, as R.2018 d.153, with a non-substantial change not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 52:27D-123.2 and 124.

Effective Date: August 20, 2018.

Expiration Date: March 25, 2022.

Summary of Public Comments and Agency Responses:

Comments were received from Mitchell Malec, retired former employee of the Department of Community Affairs (Department), and Michael Palicz, Manager, Government Affairs, Recreation Vehicle Industry Association (RVIA).

1. COMMENT: The commenter recommends that the Department reword the amendment to N.J.A.C. 5:23-2.15(f) and state that the reference to Chapter 11 of the building subcode does not address all accessible routes that should be shown on the site diagram. The commenter recommends the language be revised to address required accessible routes for new construction, rehabilitation, and recreational facilities, and suggests the following revision (addition in bold): "... established street grades; accessible route(s) for buildings required by N.J.A.C. 5:23-7, Chapter 11 of the building subcode, and N.J.A.C. 5:23-6 to be accessible; and it shall ..."

RESPONSE: The Department thanks the commenter. Because Chapter 11 of the building subcode is referenced in the rehabilitation subcode (N.J.A.C. 5:23-6), no change is needed. A change is made upon adoption to include the existing reference to Subchapter 7, which will retain the status quo, and will ensure that all code users are aware that accessible routes for both building sites and recreational facilities are required to be shown on site diagrams.

2. COMMENT: The commenter recommends that the Department update N.J.A.C. 5:23-3.2(b)1 and 2, 6.2(g), and any other applicable section to include more than the reference to National Fire Protection Association (NFPA) 101.

RESPONSE: It is the Department's position that the reference to NFPA 101 as included in the rules promulgated by the Centers for Medicare and Medicaid Services (CMMS) is sufficient and further amendments are not considered necessary at this time.

3. COMMENT: The commenter states that the current edition of the Facilities Guidelines Institute's (FGI) "Guidelines for Design and Construction of Health Care Facilities" is the 2010 edition. The commenter points out that two guidelines, 1. Residential Health, Care and Support Facilities; and 2. Hospitals and Outpatient Facilities, exist as of 2014. The commenter asks if it is the Department's intent to continue requiring the use of the 2010 edition or require the use of the 2014 guidelines, though not proposed?

RESPONSE: As the rule states, the current edition of the FGI shall be used. The Department would require the use of the 2014 editions of the guidelines to maintain consistency with the Federal requirements for healthcare facilities.

4. COMMENT: The commenter asks what edition of NFPA 101 is to be used and whether any of the Tentative Interim Amendments (TIA) have been adopted.

RESPONSE: The Centers for Medicare and Medicaid Services (CMMS) is utilizing the 2012 edition of NFPA 101. CMMS does not adopt the Tentative Interim Amendments.

5. COMMENT: The commenter states that the Centers for Medicare and Medicaid Services rules added or updated both NFPA 110 and NFPA 99. The commenter asks if the Department is also going to include these standards in the UCC to make it clear that these standards also apply.

RESPONSE: Both NFPA 110 and NFPA 99 are referenced within the text of NFPA 101, and, therefore, a separate reference to these standards is not necessary.

6. COMMENT: The commenter had multiple concerns regarding amendments at N.J.A.C. 5:23-3.2(d)14. The commenter recommends that the Department, as well as the Department of Agriculture, consider how impractical and illogical the proposed exception to N.J.A.C. 5:23-3.4(d)14, relating to required plumbing fixtures for commercial farm buildings, could be without some fixture count requirement per worker and then appropriately rewrite the amendment. The commenter then provides two example situations.

1. Consider a 100,000 square foot commercial farm building with 100 workers (both sexes), a 400 square foot office for the building that is within 500 feet and contains one unisex bathroom; would the Department allow this bathroom to serve the 100 workers?

2. Consider a seasonal commercial farm building that is 100,000 square feet with 100 workers served by two portable restrooms (one for each sex). Would the Department allow the two portable restrooms to serve the 100 workers?

In addition, the commenter asks what requirements there are for water fountains, potable drinking water, and handwashing facilities, and suggests that the Department missed the mark with these amendments. The commenter states that the Occupational Safety and Health Act (OSHA) has requirements for field sanitation and temporary labor in agricultural setting for employers of 11 or more workers during a 12-month period. The commenter recommends that the Department model the commercial farm building requirements based on these regulations. The commenter also recommends that the Department review and consider adoption of ANSI Z4.3, Sanitation-Non-Sewered Waste-Disposal Systems-Minimum Requirements and ANSI Z4.4, Sanitation-In Fields and Temporary Labor Camps-Minimum Requirements.

RESPONSE: The provisions of the Uniform Construction Code Act for commercial farm buildings (N.J.S.A. 52:27D-123.2), P.L. 1986, c. 119, were enacted to promote the State's agricultural industry by providing appropriate, less onerous requirements. The section of the commercial farm building provisions being amended addresses a small farm stand. The Department was asked to allow toilet facilities in an adjacent structure, often a residence or a small office, to be made available to customers rather than requiring public toileting facilities to be provided in or adjacent to the farm stand. The Department finds the amendments to this rule to be reasonable and declines to make changes upon adoption. In addition, as the commenter has noted, there are Federal OSHA requirements for field sanitation and temporary labor in agricultural setting for employers of 11 or more workers during a 12-month period. Those Federal requirements are preemptive and preclude regulatory action by the Department in this area.

7. COMMENT: The commenter states that the current edition of ANSI A119.5 appears to contain adequate provisions for carbon monoxide alarms in recreational park trailers and recommends that the Department retain ANSI A119.5, Section 3-6, and delete the proposed amendment. The commenter states that the Department's current amendment requiring alarms in the immediate vicinity of each sleeping area if the unit has an attached garage does not seem logical considering that the recreational park model is 400 square feet maximum and an attached garage (stick built or modular) would be a separate issue subject to other UCC and UFC regulations.

RESPONSE: Requiring alarms in the immediate vicinity of each sleeping area in any unit with a fuel burning appliance or an attached garage is existing rule text that is not proposed for amendment.

8. COMMENT: The commenter asks for confirmation that the Department reviewed all code changes from the 2005 edition of the ANSI A119.5 to the proposed adoption of the 2015 edition and

determined only the current or current as modified amendments are needed. The commenter states that this adoption of the 2015 edition is more than just a name change since technical provisions have changed.

RESPONSE: The Department did review the changes from the 2005 to the 2015 editions of the ANSI A119.5 and stands by its evaluation that, although the title of this standard has changed, its technical provisions remain intact.

9. COMMENT: One commenter expressed support for the proposed amendments to N.J.A.C. 5:23-4D.3. Specifically, the commenter supports the replacement of the outdated Recreational Park Trailer Industry Association (RPTIA) label with the Recreational Vehicle Industry Association (RVIA) label. The commenter also supports the adoption of the 2015 edition of the ANSI A119.5 Standard for Park Model Recreational Vehicles.

RESPONSE: The Department appreciates the expression of support.

10. COMMENT: One commenter stated that by modifying the 2015 edition of ANSI A119.5, the Department makes compliance with State law incompatible with the RVIA requirements for park model RV manufacturers. The commenter then notes that a park model RV manufacturer's use of the RVIA label is conditioned upon its strict compliance with the current edition of the ANSI A119.5 Standard, and that as a result, RVIA inspectors would be forced to fail any manufacturer who complied with the alterations to the standard as proposed at N.J.A.C. 5:23-4D.3(c)2i. The commenter suggests that the standard be adopted in its original form.

RESPONSE: The amendment to N.J.A.C. 5:23-4D.3(c)2i is made for consistency with other rules found in the Uniform Construction Code. The Department has required carbon monoxide (CO) detectors in the vicinity of bedrooms in single-family dwellings since 2003. The Department believes this placement is necessary to effectively notify the occupants of elevated carbon monoxide levels. Manufacturers can comply with the proposed amendments and still satisfy the requirements for labeling of the Park Model Recreational Vehicle. The Underwriting Laboratories (UL) standard for the detectors in the proposed amendment is consistent with the UL standard listed in ANSI A119.5. In addition, while the proposed amendments specify a location for the detector, ANSI A119.5 does not. Therefore, locating the detector in the vicinity of the bedroom is not precluded by ANSI A119.5. Further, the proposed amendments do not preclude manufacturers from providing additional detectors. Since the proposed amendment allows for the use of battery operated detectors, if the manufacturer chooses to provide a detector in addition to the one required for labeling, this can be accomplished with little difficulty and at a moderate expense.

11. COMMENT: One commenter suggests that if the Department would like to make modifications to the ANSI A119.5 Standard, it could participate in the ANSI constituted applicable canvas committee to submit code change proposals for consideration.

RESPONSE: The Department thanks the commenter for this recommendation. Appointments to these committees are made on a national level. In the future, should resources allow, the Department would accept an invitation to serve on this committee.

12. COMMENT: The commenter recommends that proposed new N.J.A.C. 5:23-7.1 be deleted and that the Department revert to the old format of Subchapter 7, creating N.J.A.C. 5:23-7.1, Applicability, and adding new N.J.A.C. 5:23-7.2 that references Chapter 11 of the building subcode as the accessibility standards, references other applicable sections that contain barrier free provisions (such as Subchapter 6), and retaining the recreational provisions. The commenter suggests, as an alternative, that the Department reformat the subchapter like the other adopted subcodes. The commenter states that the Department's deletion of Subchapter 7 had an impact on the Department's rules and other State rules that reference the Barrier Free Subcode or N.J.A.C. 5:23-7. The commenter also suggests that the Department "appropriately revise N.J.A.C. 5:23-11."

RESPONSE: The Department believes that the requirements as formatted are sufficient. No further reformatting is considered at this time. In addition, any changes to N.J.A.C. 5:23-11 are outside the scope of this rulemaking, and are not considered at this time.

Federal Standards Statement

No Federal standards analysis is required because the amendments and new rule are not being adopted under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or any State statute that incorporates or refers to Federal law, standards, or requirements. The adopted amendments at N.J.A.C. 5:23-3.2(b) and 6.2(g), relating to healthcare facilities, further clarify Federal requirements promulgated by the U.S. Centers for Medicare and Medicaid Services with respect to the NFPA 101 requirements. The reference is included in order to make the requirements applicable to healthcare facilities clear.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

(**Agency Note:** The text of N.J.A.C. 5:23-3.4 and 3.14 below reflect the amendments adopted January 16, 2018.)

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

5:23-2.15 Construction permits—application

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

(f) Plans, plan review, plan release:

1. Plans and specifications: The application for the permit shall be accompanied by no fewer than two copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. Plans submitted shall be required to show only such detail and include only such information as shall be necessary to demonstrate compliance with the requirements of the code and these regulations or to facilitate inspections for code conformity. When quality of materials is essential for conformity to the regulations, specific information shall be given to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

i. Site diagram: There shall also be filed a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; accessible route(s) for buildings required by ***N.J.A.C. 5:23-7 and*** Chapter 11 of the building subcode to be accessible; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.

(1) (No change.)

ii.-xii. (No change.)

2.-4. (No change.)

5:23-2.20 Tests and special inspections

(a)-(c) (No change.)

(d) In lieu of requiring the removal and reinstallation of the chimney vent connector for purposes of inspection of the chimney or vent as per N.J.A.C. 5:23-2:18, the construction official shall accept a Chimney Verification for Replacement of Fuel-Fired Equipment (Form F-370), signed by the contractor who installed the replacement fuel-fired equipment. Verification from homeowners shall not be accepted in lieu of the required inspection.

1. (No change.)

(e) (No change.)

SUBCHAPTER 3. SUBCODES

5:23-3.2 Matters covered; exceptions

(a) (No change.)

(b) Rules concerning exceptions in health care facilities are as follows:

1. Construction or rehabilitation of health care facilities shall be in accordance with this code and with the "Guidelines for Design and Construction of Health Care Facilities" (Facilities Guidelines Institute), current edition. All health care facilities shall comply with National Fire Protection Association (NFPA) 101, the Life Safety Code, as referenced

in the rules promulgated by the Centers for Medicare and Medicaid Services. In the event of any conflict, the more restrictive code provision shall govern.

2. The Department of Health may adopt licensing standards for the physical plant and environment of health care facilities that supplement this code and the "Guidelines for Design and Construction of Health Care Facilities," although these standards may not be in conflict with these codes.

3. (No change.)

(c) (No change.)

(d) Rules concerning commercial farm buildings are as follows:

1.-11. (No change.)

12. Commercial farm buildings exempted under (d)11i above shall meet the following requirements in lieu of those requirements specified in the subsections of Chapter 10, Means of Egress, of the building subcode:

1. Building Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
Ch. 7	Fire and Smoke Protection Systems	Building/Fire	Building (Except penetrations in existing membranes for electrical outlets or devices pursuant to Section 714.3.2 which shall be Electrical)
...			
Ch. 31	Special Construction		
...			
	3105.1- 3108.2	Building	Building
	3109		
	ISPSC, Section 305	Building	Building (Except safety covers pursuant to Section 305.1, Exception 1 which shall be Electrical)
	ISPSC, Section 310 (APSP/ICC 7)	Plumbing	Plumbing
	ISPSC, Section 311.9	Plumbing	Plumbing
...			

2.-5. (No change.)

6. One- and Two-Family Dwelling Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
Ch. 3	Building Planning		
...			
	R302	Building/Fire	Building (Except penetrations in existing membranes for electrical outlets or devices pursuant to Section 302.4 through 302.4.2 which shall be Electrical)
...			
	R326		
	ISPSC, Section 305	Building	Building (Except safety covers pursuant to Section 305.1, Exception 1 which shall be Electrical)
	ISPSC, Section 310 (APSP/ICC 7)	Plumbing	Plumbing
	ISPSC, Section 311.9	Plumbing	Plumbing
...			

7.-9. (No change.)

(b)-(c) (No change.)

i.-v. (No change.)

vi. Fire extinguishers and "no smoking" signs shall be provided;

vii. (No change.)

13. (No change.)

14. A commercial farm building shall meet the fixture requirements of the plumbing subcode, except as follows:

i. A building within 500 feet of a structure with a restroom facility available for use shall not be required to have plumbing fixtures; or

ii. A building operated on a seasonal basis, in use for no longer than six months within a 12-month period, may be served by a portable restroom.

5:23-3.4 Responsibilities

(a) The enforcement responsibilities of the adopted subcodes are as follows:

(d) Any mechanical inspector employed by the Department or by a municipality, and so assigned by the construction official, shall have the

responsibility for enforcement of the provisions of the code, except work involving the installation or replacement of backflow preventers or electrical work, for the installation and replacement of heating or cooling equipment or water heaters or other mechanical equipment, such as refrigeration, air conditioning, or ventilating apparatus, gas piping or heating systems, or stand-by power generators, in existing buildings of Group R-3 or R-5. For a new installation, the mechanical inspector shall have this enforcement responsibility provided that the installation does not penetrate a fire-rated assembly.

1. When no mechanical inspector is assigned, the construction official shall assign the plumbing subcode official or a plumbing inspector, who shall have the responsibility for the enforcement of provisions of the code, except electrical, for the installation and replacement of heating or cooling equipment or water heaters or other mechanical equipment, such as refrigeration, air conditioning, or ventilating apparatus, gas piping or heating systems, or stand-by power generators, in existing buildings of Group R-3 or R-5. A plumbing subcode official or plumbing inspector need not be a mechanical inspector to perform these inspections.

5:23-3.14 Building subcode

(a) (No change.)

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

1.-9. (No change.)

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

i. (No change.)

ii. In Section 1101.2, Design, "amended as follows:" shall be added to the end of the sentence and the following list shall be inserted:

1.-12. (No change.)

13. In Section 1003.9, Operable parts, Exception 2 shall be deleted and the following shall be inserted: "Receptacle outlets provided in a kitchen above a length of countertop shall not be required to comply with Section 309."

Recodify existing 13.-20. as 14.-21. (No change in text.)

iii.-v. (No change)

vi. Section 1104.4, Multilevel buildings and facilities, shall be deleted and the following shall be inserted:

"1104.4 Multilevel nonresidential buildings and multilevel buildings of Group R-1.

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

1104.4.1.1 A limited use limited application elevator that complies with ANSI/ASME A17.1 adopted by reference in the building subcode may be used to provide a vertical accessible route to a floor or mezzanine of less than 3,000 square feet provided the travel distance does not exceed 25 feet.

1104.4.1.2 Regardless of the square footage of the buildings or floors, buildings of two or more stories that are owned and occupied by public entities shall provide a vertical accessible route between floors.

1104.4.1.3 Regardless of the square footage of the buildings or floors, buildings of two or more stories that house public transit stations or airport passenger terminals shall provide a vertical accessible route between floors.

1104.4.1.4 Regardless of the square footage of the buildings or floors, buildings of two or more stories that house the professional offices of health care providers shall provide a vertical accessible route between floors.

1104.4.1.5 Regardless of the square footage of the buildings or floors, buildings of two or more stories that house shopping centers or shopping malls shall provide a vertical accessible route between floors.

1104.4.1.5.1 For the purposes of applying this requirement, a shopping center or shopping mall shall mean a building or a series of buildings on a common site, under common ownership or control, or developed as one project or as a series of related projects housing five or more sales or rental establishments.

1104.4.2 Large buildings. Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more, shall provide the accessible building features required of small buildings in Section 1104.4.1. In addition, large buildings shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

1104.4.2.1 Where facilities for employees, including rest rooms, lunch rooms, and lockers, and public facilities, including rest rooms and drinking fountains, are provided on a floor or mezzanine that is not required to be served by an elevator and where no vertical accessible route is provided, the facilities provided on the floor or mezzanine must also be provided on the accessible level.

1104.4.2.2 A limited use limited application elevator that complies with ANSI/ASME A17.1 adopted by reference in the building subcode may be used to provide a vertical accessible route to the floor or mezzanine provided that the travel distance does not exceed 25 feet.

1104.4.3 For the purposes of applying these provisions, buildings separated by firewalls with penetrations intended for human passage shall not constitute separate buildings.

1104.4.4 The following provisions shall apply to a nonresidential building required to be accessible, whether a large building or a small building.

1104.4.4.1 An accessible route available to the general public shall not pass through kitchens, storage rooms, or similar spaces.

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

vii.-xxxvii. (No change.)

xxxviii. Section 1107.7.2, Multistory units, shall be renumbered as Section 1107.7.1. The first sentence of Section 1107.1.1 shall be deleted and replaced with the following: A multistory dwelling unit or sleeping unit that is not provided with elevator service is required to be accessible as follows: The primary entrance to the unit shall comply with the requirements for a Type A unit and, where provided within the unit, a living area, kitchen, and toilet and bathing facility that comply with Type A dwelling unit shall be provided on that floor. In the third line and the seventh line, "Type B unit" shall be deleted and "Type A unit" inserted in its place. Additionally, in the seventh line, following the word "toilet," "and bathing" shall be inserted.

xxxix.-xlix. (No change.)

[xlvi.] * *1.* In Section 1110.4.13, Swimming pools, wading pools, hot tubs, and spas, Exception 3 shall be deleted in its entirety.

Recodify existing 1.-lii. as *li.-liii.* (No change in text.)

11.-26. (No change.)

SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES

5:23-4.4 Municipal enforcing agencies—organization

(a) The municipality shall organize its enforcing agency in accordance with the ordinance adopted pursuant to N.J.A.C. 5:23-4.3 and to meet the following additional requirements:

1.-7. (No change.)

8. A municipality may, in its discretion, employ a mechanical inspector to perform plan review and mechanical inspections, with oversight by a designated subcode official, for structures of Group R-3 or R-5.

9. (No change.)

(b)-(d) (No change.)

5:23-4.5 Municipal enforcing agencies-administration and enforcement

(a) (No change.)

(b) Forms:

1. (No change.)

2. The following standardized forms established by the Commissioner are required for use by the municipal enforcing agency:

Form No.	Name
...	
F102	Application for Annual Permit
...	

3.-5. (No change.)
(c)-(k) (No change.)

5:23-4.12 Private on-site inspection and plan review agencies; establishment

(a) The Department shall authorize the establishment of private on-site inspection and plan review agencies, hereinafter called "on-site inspection agencies," for the purpose of contracting with municipalities in order to act in the place of a subcode official or inspector(s) for specified subcodes.

- 1. (No change.)
- (b)-(f) (No change.)
- (g) (No change in text.)

5:23-4.13 Private on-site inspection and plan review agencies; organization

(a) An on-site inspection agency may be an individual, partnership, corporation, or other business entity organized for the purpose of enforcing and administering any one or more subcodes under the regulations, in place of a local subcode official or local inspector, in one or more municipalities within the State of New Jersey.

(b) Each on-site inspection agency authorized by the Department shall organize its operations to effectively fulfill the requirements of this chapter and to provide any municipality with which it contracts all the services that would otherwise be provided by a municipal subcode official or municipal inspector under this chapter. All officers, inspectors and plan reviewers of the "on-site inspection agency" shall be certified by the Department in the appropriate subcode prior to employment thereafter.

(c) Where an on-site inspection agency serves as a subcode official, the agency shall designate in its contractual agreement with the municipality the name of the employee who shall serve as the responsible official and representative(s) of the "on-site inspection agency" authorized to review and approve all documents related to the administration of the designated subcode.

(d) The on-site inspection agency shall report to the municipal construction official through their designated responsible official and shall be subject to the orders and directives of the municipal construction official and the Department in matters relating to the enforcement of the regulations. Employees of an on-site inspection agency performing inspections shall report to the appropriate subcode official.

(e)-(g) (No change.)

5:23-4.14 Private on-site inspection and plan review agencies; administration and enforcement

- (a) (No change.)
- (b) The on-site inspection agency shall provide the Department with the following:
 - 1. (No change.)

2. A list of the municipalities served, and a current list of names, addresses and telephone numbers of the agency's designated representatives actually serving as subcode officials or inspectors in each municipality, who may be contacted in connection with routine matters during normal working hours and, in the event of emergency, during other than normal working hours;

3.-4. (No change.)
(c)-(d) (No change.)

(e) Each on-site inspection agency shall have the following responsibilities:

- 1. (No change.)
- 2. To act in place of the municipal subcode official or municipal inspector and to perform the duties of a subcode official or inspector as

defined in these rules, except all notices of violation and all stop work orders will be issued through the construction official's office.

3. To report to the municipal construction official or subcode official and to be subject to his or her rulings, directives, and orders.

4.-15. (No change.)

(f) Except as otherwise provided in this subsection, no person employed by or associated with an on-site inspection agency as an employee, proprietor, officer, director, partner or manager shall, whether directly or indirectly, be engaged in ownership of, or employment by, or contracting to provide goods or services to, any business or employment furnishing labor, materials, products or services for the construction, alteration or demolition of buildings, or for the maintenance of any equipment or building component the maintenance of which is regulated pursuant to this chapter, that is engaged in any such activity within any municipality in which he or she is so employed. Nor shall any such proprietor, officer, director, partner, manager or employee engage in any other work that conflicts with his or her or the agency's official duties, including, without limitation, employment to testify before any construction board of appeals, or to be involved in any court proceeding within any municipality in which he or she is so employed, as a paid expert witness against any construction official, subcode official, inspector or enforcing agency, or in any other compensated capacity, except on behalf of an enforcing agency, or as a court-appointed witness.

1.-2. (No change.)

3. An on-site inspection agency may employ municipal subcode officials and inspectors on a part-time basis. This employment, however, shall be subject to the following conditions:

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

(j) The bid documents and contract shall specify whether the private agency shall be paid for work performed even if the municipality receives no inspection fee for such work.

(k) Private enforcing agencies shall charge no fees other than the fees set forth in N.J.A.C. 5:23-4.20 multiplied by the percentage set forth in the contract between the private agency and the municipality. Private enforcing agencies shall furnish no services other than subcode enforcement or inspection services to municipalities and shall not receive any payments from municipalities for any other goods or services whatsoever.

5:23-4.18 Standards for municipal fees

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

(c) Basic construction fee: The basic construction fee shall be computed on the basis of the volume of the building or, in the case of alterations, the estimated construction cost, and the number and types of plumbing, electrical and fire protection fixtures and devices as herein provided.

1.-4. (No change.)

5. The municipality shall set a flat fee for a mechanical inspection performed by a mechanical inspector or a plumbing inspector in a structure of Group R-3 or R-5. No separate fee shall be charged for gas, fuel oil, or water piping connections, including the bonding conductor (jumper), associated with the mechanical equipment inspected.

6. (No change.)
(d)-(l) (No change.)

SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS

5:23-4D.3 Standards

(a) Regulations concerning recreational park trailers are follows:

1. Pursuant to authority of P.L. 1975 c. 217, as supplemented by P.L. 1991, c. 457, the Commissioner hereby adopts the standard of the American National Standard Institute A119.5 Standard for Park Model Recreational Vehicles, 2015 edition, known as "ANSI A119.5." This standard is hereby adopted by reference as the recreational park trailer subcode for New Jersey subject to the modifications stated in (c) below.

- i. (No change.)
- ii. The ANSI A119.5, 2015 edition, may be known and cited as the "recreational park trailer subcode."

(b) (No change.)

(c) The following chapters, sections or pages of “ANSI A119.5 Standard for Park Model Recreational Vehicles, 2015 Edition” are amended as follows:

1. (No change.)
2. Chapter 3, Health, Fire and Life Safety Special Provisions, shall be amended as follows:
 - i. Delete text of section 3-6 entitled “Carbon Monoxide” and insert the following in its place. “Single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any dwelling unit if the dwelling unit contains a fuel-burning appliance or has an attached garage. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery operated, hard-wired or of the plug-in type.”
3. Chapter 5, Construction Requirements, shall be amended as follows:
 - i. Delete the text of section 5-1 entitled “General Requirements” and insert the following in its place: “Park model recreational vehicles shall be constructed in accordance with the requirements of this chapter.”
 - ii.-xi. (No change.)
 - xii. Delete the text of Section 5-8.4 and insert the following: “The park model recreational vehicle shall be anchored to withstand the design wind load for the location.”
 - xiii. (No change.)
4. (No change.)

5:23-4D.4 Certification

(a) A Recreational Vehicle Industry Association (RVIA) label or an approved equivalent label or certification for each recreational park trailer indicating that the unit has been manufactured in compliance with the adopted recreational park trailer subcode shall be permanently attached thereto in an accessible and visible location. The location of the label shall be indicated on the approved building system documentation.

(b) An approved label for a recreational park trailer shall bear the following information:

1. The name and seal of the Recreational Vehicle Industry Association or such other organization with a quality assurance program as may be approved by the Department; and
2. (No change.)

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.2 Applicability and compliance

- (a)-(f) (No change.)
- (g) Relationship of this subcode to other codes, rules, and ordinances, shall be as follows:
 - 1.-5. (No change.)
 6. The repair, renovation, alteration, reconstruction or change of use of health care facilities shall be in accordance with this code and with the “Guidelines for Design and Construction of Health Care Facilities,” Facilities Guidelines Institute, current edition. All health care facilities shall comply with National Fire Protection Association (NFPA) 101, the Life Safety Code, as referenced in the rules promulgated by the Centers for Medicare and Medicaid Services. In the event of any conflict, the more restrictive code provision shall govern.
 - (h)-(j) (No change.)

SUBCHAPTER 7. BARRIER FREE SUBCODE

5:23-7.1 Barrier Free Subcode

The accessibility regulations, other than recreation, shall be found in Chapter 11 of the building subcode, as amended at N.J.A.C. 5:23-3.14(b).

HEALTH

(a)

PUBLIC HEALTH SERVICES BRANCH DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH CANCER EPIDEMIOLOGY SERVICES

Cancer Registry

Readoption with Amendments: N.J.A.C. 8:57A

Adopted Repeals: N.J.A.C. 8:57A Appendices A through M

Proposed: April 16, 2018, at 50 N.J.R. 1131(a).

Adopted: July 17, 2018, by Shereef Elnahal, MD, MBA, Commissioner, Department of Health (in consultation with the Public Health Council).

Filed: July 17, 2018, as R.2018 d.154, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 26:2-104 et seq., particularly 26:2-106.

Effective Dates: July 17, 2018, Readoption;
August 20, 2018, Amendments and Repeals.

Expiration Date: July 17, 2025.

Summary of Public Comment and Agency Response:

No comments were received.

Summary of Agency-Initiated Changes:

The Department of Health (Department) is making changes on adoption at N.J.A.C. 8:57A-1.3 and 1.5 to reflect that, since 1983, the “Certified Tumor Registrar (CTR[®])” credential is a registered trademark of the Council on Certification of the National Cancer Registrars Association (NCRA) (see <http://www.ncra-usa.org/About/Cancer-Registry-Profession> at “Cancer Registry Timeline”); to delete from within the definition of the term “Certified Tumor Registrar” or “CTR[®]” an inappropriate cross-reference to deleted contact information for the NCRA, and to indicate in that definition that the person is to hold the credential in the present tense, to indicate that the credential is to be current and in good standing.

Federal Standards Analysis

The Department readopts the rules at N.J.A.C. 8:57A and adopts the amendments and repeals pursuant to the authority of N.J.S.A. 26:2-104 et seq., particularly 26:2-106b. Federal laws and standards apply to cancer registries and the rules at N.J.A.C. 8:57A.

The Cancer Registries Amendment Act (Pub. L. 102-515, enacted October 24, 1992) authorizes the Secretary of the United States Department of Health and Human Services to make grants to states to support the collection of cancer data by the operation of statewide cancer registries. Section 3 of the Act, codified at 42 U.S.C. § 280e, specifically conditions grant eligibility on a state’s promulgation of statutes and regulations implementing its cancer registry. 42 U.S.C. § 280e(c)(2)(D) provides a state’s regulations must: 1) require reporting of newly diagnosed cancer cases by hospitals and other health-care facilities; 2) require reporting of cancer cases by physicians and other health-care practitioners; 3) guarantee access by the statewide cancer registry to all records of medical status of persons with cancer; 4) require the use of standardized reporting formats; 5) ensure confidentiality of cancer case data; 6) allow use of confidential case data by certain researchers; 7) authorize the conduct of studies using cancer registry data; and 8) ensure protection of persons complying with the law from liability.

The readopted rules and the adopted amendments and repeals meet and do not exceed these requirements, thereby making the Cancer Registry eligible for Federal funding under the National Program of Cancer Registries (NPCR) funded by the Centers for Disease Control and Prevention. The NPCR Program Standards, 2017 to 2022, require the NJSCR, as a recipient of Federal funding, to increase the percentage of non-hospital facilities reporting electronically to the NJSCR to at least 80 percent by 2022.