

Construction Code Communicator



State of New Jersey
Philip D. Murphy, Governor

Department of Community Affairs
Lt. Governor Sheila Y. Oliver, Commissioner

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Winter 2018

The Winter Communicator: A Reminder

The final (Winter) issue of the *Construction Code Communicator* each year now consists of a collection of Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items that were posted on the Division's website during the calendar year. This year, we are including articles that were printed in earlier editions of the *Construction Code Communicator* on topics that continue to generate questions. Once this edition of the *Construction Code Communicator* has been posted, these individual Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items will be removed from those sections of the Division's website. There is one exception: the materials related to Superstorm Sandy will remain in place. **Generally, there are no new articles in this issue. However, there are times when a short, new article finds its way into the Winter issue.**

Please note that, although the documents will be removed from the Alerts and Hot Topics, they will still be accessible through the Division's Document Library or through the "Topics A-Z" tab on the Division's website: www.nj.gov/dca/divisions/codes/.

Also, the indices for all issues of the *Construction Code Communicator* 2018 are included in this issue as a handy reference.

Prospectively, the *Construction Code Communicator* will follow this same format: three issues, Spring, Summer, and Fall, that contain new articles and a Winter issue that will provide in one place all the Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items that were posted on the Division's website in that calendar year with previously printed articles where the topic continues to generate questions.

If you have any questions about the *Construction Code Communicator*, or if you have any recommendations for articles, please feel free to contact me at (609) 984-7609 or at Emily.Templeton@dca.nj.gov.

Source: Emily W. Templeton
Division of Codes and Standards



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Permit Requirements – Ordinary Maintenance and Minor Work Updated

(Posted to the Alerts & Issues page of the Division's website on March 5, 2018)

Pursuant to adoption in the March 5, 2018 New Jersey Register, the requirements for minor work and ordinary maintenance have changed. This document is meant to be an aid to local officials as an easy reference on the types of work that are ordinary maintenance and minor work beginning on March 5, 2018. The Document is divided into two parts. The first part lists the types of work that are ordinary maintenance, the second part lists types of work that are minor work. The items that are new or different have been bolded so that the changes may more easily be identified.

ORDINARY MAINTENANCE

The following items are types of work that may be performed without a permit pursuant to the Uniform Construction Code. The classification of work as ordinary maintenance is not a waiver from code compliance; all work is required to meet code requirements. However, no permit is required and there are no inspections of the work. The list has been arranged by the building type and discipline for ease of use.

For other than dwellings, the following has been designated as ordinary maintenance:

BUILDING

- Finishes – Painting (interior/exterior), wall papering, trim/molding (interior/exterior) and flooring material repair, replacement or installation.
- Siding – For other than polypropylene siding, existing siding may be repaired or replacement with like material not exceeding 25 percent of the total building exterior wall. **The installation of any amount of polypropylene siding requires a permit.**
- Windows/Doors
 - Glass may be replaced in any window or door. The replacement glass must be of a type and quality that complies with the code;
 - Windows and doors (including garage doors) may be replaced in the same rough opening without altering the dimensions or framing; this includes means of egress elements (such as emergency escape openings) when dimensions and framing are not altered, and the height, width or net clear opening is maintained.
 - Screens may be **repaired**, replaced, or installed.
- Cabinets – Non-structural elements such as a cabinet may be repaired, replaced or installed.
- Decks – Any part of a deck, porch or stoop that does not provide structural support for any roof or portion of a building may be repaired or replaced.
- Insulation – The installation of insulation when installed adjacent to or not more than one and a half inches from an interior finish, **except that the installation of foam plastic insulation requires a permit (Note: ordinary maintenance used to be limited to roll or batt insulation, now any insulation other than foam plastic is allowed as ordinary maintenance).**
- Gutters – Exterior gutters and leaders may be **repaired**, replaced, or installed.
- Spas/Hot Tubs – Storable spas and hot tubs may be installed when provided with a lockable safety cover that complies with ASTM F1346.

PLUMBING

- Fixtures and fixture parts – **Fixtures may be replaced with a similar fixture provided that there no change in the piping arrangement (Note: the replacement of fixtures was previously limited to single family dwellings, now fixtures may be replaced in all uses as ordinary maintenance);** faucets and working parts of faucets may be replaced; existing fixtures may be refinished (relining fixtures is not ordinary maintenance).
- Valves – **Hose bib valves may be replaced provided that an approved atmospheric vacuum breaker is provided (Note: the replacement of hose bibs used to be limited to single family dwellings, now they may be replaced in all uses as ordinary maintenance);** valves and work parts of valves may be replaced including shower or combination bath/shower valves **(Note: the replacement of shower valves used to be limited to single family dwellings now they may be replaced in all uses as ordinary maintenance).**
- Ball Cocks – Ball cocks may be replaced provided that an approved anti-siphon type is used.

(Continued on next page)

(Permit Requirements – Ordinary Maintenance and Minor Work Updated)

- Piping repair/replacement – **Piping may be replaced to repair a leak (Note: the repair of leaks used to be limited to replacement of piping between any two adjacent joints, that is no longer the case).**
- Appliance Replacements – Domestic clothes washers and domestic dishwashers may be replaced.
- Traps – Traps including traps on culinary sinks may be replaced.
- Drain cleaning – Stoppages may be removed.

ELECTRICAL

- Receptacles, switches and outlets – Receptacles, switches, or lighting **fixtures that do not contain emergency battery packs** may be replaced with a similar item. However, receptacles in locations where ground-fault circuit interrupter protection, damp/wet, or tamper-resistant must comply with Section 406.4(D) of the electrical subcode **(Note: The limitation on 20 amps or less has been removed).**
- Equipment – Repairing any installed electrically operated equipment such as doorbells, communication systems, and any motor-operated device (In the event of a fire protection system being interrupted for repairs, the fire official is to be notified in accordance with the building subcode).
- Communications Wiring – Communications wiring may be installed (i.e. Ch. 8 and data circuits between computers/information technology equipment from Article 725 of the electrical subcode) in a Class 3 structure (see N.J.A.C. 5:23-4.3A), provided that the rearrangement does not involve penetration of a fire rated assembly and is not in a hazardous location (see Ch. 5 of the electrical subcode).
- Appliances – Domestic dishwashers may be replaced.

FIRE

- The replacement of sprinkler or smoke detector, **smoke alarm**, or heat detector heads with a like device.
- The repair or replacement of any component of a fire alarm or smoke and heat detection equipment (other than the replacement of a fire alarm control panel) may be repaired or replaced.
- The installation of battery-powered smoke alarms and the installation of battery-powered or plug in carbon monoxide alarms.

MECHANICAL

- Motors, pumps and fans – Motors pumps and fans of the same capacity may be replaced.
- Heating, supply and return piping and radiation elements – The repair or replacement of heating supply and return piping and radiation elements where there is no rearrangement of the piping system.
- Duct work – Duct work may be repaired or replaced.
- Air Conditioning Equipment – Repair of air conditioning equipment and systems along with the repair or replacement of control devices for heating and air conditioning equipment.
- **Liquid applied chimney lining – The application of liquid applied lining material inside an existing chimney.**

Ordinary maintenance: For all dwellings, any work listed above is applicable to residential uses plus the following:

ELECTRICAL/MECHANICAL

- **Kitchen range hoods – Kitchen range hoods may be replaced provided that the replacement hood exhaust rate does not exceed the exhaust rate of the existing hood or the exhaust rate of the replacement hood does not exceed 400 cfm.**
- Replacement of domestic appliances –
 - **Domestic** clothes dryers may be replaced provided that no change in fuel type, pipe size, or location or electrical characteristics is required.
 - **Domestic** stoves and domestic ovens may be replaced provided no change in fuel type, pipe size, or location or electrical characteristics is required.
- Exhaust fans – Bathroom exhaust fans may be replaced.

(Continued on next page)

(Permit Requirements – Ordinary Maintenance and Minor Work Updated)

Ordinary maintenance in one- and two-family dwellings: Any work listed in the two categories above applicable to residential uses plus the following:

BUILDING

- Finishes – **Installation, repair or replacement of interior finishes of less than 25 percent of the wall area of the dwelling.** This shall include plastering and drywall installation. (1) Vinyl wall covering of any amount is ordinary maintenance; (2) Paneling is not ordinary maintenance.
- Non-structural components – The repair or replacement of any non-structural component, such as a partition.
- Roofing – **The repair or replacement (including total replacement) of any amount of existing roof covering on detached one- or two-family dwellings.**
- Siding – **The repair or replacement of any amount of existing siding. Exception: The repair or replacement of polypropylene siding is not ordinary maintenance.**

ELECTRICAL

- **Alarm systems – The installation of a burglar alarm, security system.**
- **Doorbells – Doorbells may be installed, repaired or replaced.**
- **Landscape irrigation systems – Plug-in landscape irrigation unit under 30 volts may be installed.**

MINOR WORK

Like ordinary maintenance, minor work is a category of work that requires less oversight than do construction projects that require plan review, a full permit, and inspections. Minor work requires a construction permit, but allows work to begin before the permit has been issued once notice of the work has been given to the local code enforcement agency. **The notice may be oral, written, or email.**

It is important to note that with the March 5 changes, minor work permits may be issued regardless of whether there are prior approvals. Those prior approvals do not need to be checked by the code official prior to issuing the permit. The applicant is responsible for ensuring that the prior approvals are satisfied. Also, minor work permits no longer operate with a final inspection within 30 calendar days; when requested, up to three business days are allotted to perform the inspection.

For other than dwellings, the following has been designated as minor work:

BUILDING

- Porches – The construction or total replacement of any porch or stoop that does not provide structural support for any roof or portion of a building.
- Repair and/or renovation work – Repair and/or renovation work in a Group B, Group F, Group M, or Group S occupancy performed in accordance with N.J.A.C. 5:23-6, not including work categorized as ordinary maintenance pursuant to N.J.A.C. 5:23-2.7.
- Radon – The installation of a radon mitigation system provided no new electrical work is required. *(Note: this used to be limited to one- and two-family dwellings. Now the installation of radon mitigation systems is minor work in all buildings, provided no new electrical work is required).*
- Elevators – Minor work on elevator devices shall also mean and include work as outlined in N.J.A.C. 5:23-12.8(b) and not involving any structural modification to a building.
- Partitions – Repair or replacement with no reconfiguration of space or of any non-structural component such as a partition in structures other than one- and two-family dwellings (see ordinary maintenance one- and two-family dwellings).

PLUMBING

- Piping – Replacement of existing plumbing piping with new and approved material of like capacity.
- Drinking fountains – The installation of drinking fountains and condensate drains in existing structures.

(Continued on next page)

(Permit Requirements – Ordinary Maintenance and Minor Work Updated)

- Water Heaters – The replacement of existing water heaters with new ones of like capacity.
- HVAC Equipment – The replacement of existing boilers, warm air furnaces, air conditioning units and air conditioning condensing units with new appliances of like capacity.

ELECTRICAL

- Communication wiring – The installation of communications wiring in any Class 1 or Class 2 structure or any Class 3 structure involving the penetration of a fire-resistance rated assembly. Note: Communications wiring is any wiring covered by Chapter 8 of the electrical subcode, “including data circuits between computers/information technology equipment, which may be classified as communications circuits in accordance with Article 725 of the electrical subcode.”
- Alarm systems – The installation of a burglar alarm, security system, or doorbell in structures other than one- and two-family dwellings (see ordinary maintenance for one- and two-family dwellings). Exception: controlled, delayed, or sensor released egress doors.

FIRE

- Alarm Systems – Any change of an existing transmission means from a digital alarm communicator transmitter to a fire alarm supervising station. (1) For the purposes of applying this provision, transmission means shall mean the existing phone line(s) that transmit fire alarm signals from a digital alarm communicator transmitter to the supervising station. A certified fire alarm service company, licensed fire alarm company or licensed electrical contractor shall submit Form F-391 signed by the contractor to provide a verification statement in writing to the fire subcode official within 24 hours that all required signals remain operational after the new transmission means is installed.

Minor work in all dwellings: Any of the work above applicable to residential uses plus the following:

PLUMBING

- Fixture installation – The new installation of fixtures in an existing space where the new installation of additional fixtures may be accommodated with no increase in the size of the water distribution system, water service, or house drain (**Note: this used to be limited to one- and two-family dwellings, now the installation of additional fixtures in existing space is minor work in all dwellings**).

Minor work in one- and two-family dwellings: All the work in the two categories above applicable to residential uses plus the following:

BUILDING

- Renovations or Alterations – Renovation or alteration work provided that no primary structural members are altered in any way, and further provided that the work does not constitute reconstruction.

ELECTRICAL

- Appliances – Minor work shall also mean and include new electrical work incidental to the installation of air conditioning, equipment, clothes dryers, and ranges or oven.
- Outlets – The installation of five or fewer outlets where existing circuits and/or available space for circuits and service are adequate to support the load. **Fishing is considered minor work regardless of the number of fixtures / receptacles. (Note: the limitation that the devices/outlets are limited to 125 or 250 volt has been eliminated; fishing was previously limited to 5 receptacles).**
- Rewiring – The replacement of existing wiring with new wiring of the same capacity provided that the new wiring shall be of a type approved for the use by the code.

FIRE

- Detection/Suppression – The installation of a fire detection or suppression device.

Finally, though not ordinary maintenance or minor work, the permitting requirements for garden type utility sheds also changed. No permit is required for a garden type utility shed that is 200 square feet or under provided it does not have electric, water, gas, oil or sewer connections.

Permits are Not Required for Basement Drains – Update

(Originally published Fall 2018)

In response to inquiries regarding the installation of **new sump pumps** in existing single-family detached homes, it should be clarified who can perform the installation of these systems.

N.J.A.C. 5:23-2.15(b)2i. states, “*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.*” In other words, if the new sump pump being installed is connected to the dwelling’s existing plumbing drainage system, then only a master plumber or a homeowner working on his or her own single-family dwelling can perform the work. As per NJAC 5:23-2.17A(c)2, the person performing the work must apply for a Uniform Construction Code (UCC) permit as Minor Work (permit jacket and plumbing technical section). This would also apply to new electrical installations (e.g., new outlets) to accommodate for the operation of the new sump pump. This could be filed under the same UCC Permit as Minor Work (electrical technical section) as per NJAC 5:23-2.17A(c)4.

In addition to the above, if the sump pump discharge line is installed in a manner that does not require connection to the building’s existing plumbing system, a NJ master plumber is not required. At a minimum, as per NJAC 5:23-2.17A(c)2, this will require a UCC permit as minor work. Regarding electrical work, plugging a sump pump into a preexisting outlet does not require a permit.

Source: Code Assistance Unit
609-984-7609

Solar Panels and Guards – Update

(Originally published Spring 2010)

This is an update to the “Solar Panels and Guards” article that appeared in the Spring 2010 edition of the Construction Code Communicator.

The Department is still receiving the question: “Are guards required for servicing of the solar panels?” The answer is still “No, guards are not required.”

Section 304.11, Guards, of the International Mechanical Code (IMC)/2015 states, “Guards shall be provided where various components that require service and roof hatch openings are located within 10 feet of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches above the floor, roof or grade below.”

Typically, solar panels installed on a roof require cleaning, but not servicing. Therefore, this section of the IMC/2015 does not require solar panels to have guards.

Please note that the language in the IMC/2018 is identical to that of the IMC/2015 and will be applied the same way once the 2018 national model codes have been adopted.

Source: Thomas C. Pitcherello
Code Assistance Unit
(609) 984-7609

Elevation of Homes with a Substantial Damage Determination

(Memorandum to Construction Officials in Sandy Impacted Counties, May 15, 2018)

On November 27, 2017, I informed you that under the National Flood Insurance Program (NFIP), homes determined by the floodplain administrator to be substantially damaged were allowed six years from the date of the event to comply with the requirement to elevate. On April 11, 2018, that deadline was again extended by FEMA to nine years from the date of the event or October 29, 2021 (see below).

Those municipalities that have issued Temporary Certificates of Occupancy or Certificates of Occupancy with conditions to allow homeowners to return to their homes in advance of completing the required elevation of the home, please continue to monitor their progress.

As mentioned in the November 27, 2017 memorandum, we will be contacting Sandy-impacted communities prior to the FEMA established completion date for the number and addresses of the homes in your municipality that were categorized as substantially damaged, are currently occupied and have not yet been elevated.

Source: Edward M. Smith, Director
Division of Codes and Standards

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*(Elevation of Homes with a Substantial Damage Determination)*U.S. Department of Homeland Security
Washington, D.C. 20472**FEMA**

W-18010

April 11, 2018

MEMORANDUM FOR: Write Your Own (WYO) Company Principal Coordinators and the National Flood Insurance Program (NFIP) Direct Servicing Agent

FROM: 
David I. Maurstad
Assistant Administrator for Federal Insurance
Federal Insurance and Mitigation Administration

SUBJECT: Three-Year Extension of Deadline for Completing ICC Claims Resulting from Superstorm Sandy

I. Background

The Standard Flood Insurance Policy (SFIP) provides Increased Cost of Compliance (ICC) coverage to pay up to \$30,000 towards the cost of floodproofing (non-residential only), relocating, elevating, or demolishing an insured building required to become compliant with state or local floodplain management laws or ordinances following a flood loss.¹ In general, policyholders claiming ICC must complete eligible work within six years from the date of loss.²

II. Extension of ICC Deadline

Most policyholders required to bring their properties into compliance with their communities' floodplain management laws following Superstorm Sandy have completed the required work and received appropriate compensation under their SFIP's ICC coverage. However, a small number of policyholders has not completed the required compliance work due to external factors beyond their control, such as participation in the Sandy Claims Review, various recovery grant programs, or delayed substantial damage declarations in some communities.

To provide these policyholders with a reasonable opportunity to complete their ICC claims, I am extending the deadline for completing ICC claims from Superstorm Sandy by an additional three years. Policyholders affected by Superstorm Sandy may now complete their ICC claims no later than the nine-year period following the date of loss.

This extension also includes ICC claim assignments to communities for the non-federal cost-share match in conjunction with a FEMA-funded mitigation grant project related to Sandy.

¹ See *Standard Flood Insurance Policy*, 44 CFR Part 61, Appendix A(1)-(3), Article III.D.

² See SFIP Art. III.D.5.e.(2) (requiring completion of ICC work within two years of date of loss); WYO Bulletin W-15038 (Aug. 10, 2015) (extending deadline for completing ICC work to six years from date of loss for all losses occurring on or after January 1, 2011).

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(Elevation of Homes with a Substantial Damage Determination)

Three-Year Extension of Deadline for Completing ICC Claims
 Resulting from Superstorm Sandy
 April 11, 2018
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III. Applicability

This extension applies only to ICC claims associated with the following FICO numbers related to Superstorm Sandy:

FICO Number	State	Dates of Loss
300	North Carolina	October 27, 2012 - October 31, 2012
301	Virginia	October 27, 2012 - October 31, 2012
302	District of Columbia	October 28, 2012 - October 31, 2012
303	Maryland	October 28, 2012 - November 6, 2012
304	Delaware	October 28, 2012 - November 6, 2012
305	New Jersey	October 28, 2012 - November 6, 2012
306	New York	October 28, 2012 - November 6, 2012
307	Pennsylvania	October 28, 2012 - November 6, 2012
308	Connecticut	October 28, 2012 - November 6, 2012
309	Rhode Island	October 28, 2012 - November 6, 2012
310	Massachusetts	October 28, 2012 - November 6, 2012
311	New Hampshire	October 28, 2012 - November 6, 2012
312	Vermont	October 28, 2012 - November 6, 2012
313	Maine	October 28, 2012 - November 6, 2012

IV. Authority

This waiver is made pursuant to 44 CFR 61.13(d) and SFIP Dwelling Form, Article VII.D; SFIP General Property Form, Article VII.D; SFIP Residential Condominium Building Association Policy Form, Article VIII.D.

Please direct any questions regarding this bulletin to FIMA Claims at FEMA-FIDClaimsMailbox@fema.dhs.gov.

cc: IBHS, FIPNC, Government Technical Representative

Required Routing: Accounting, Claims, Underwriting

2018 Proposals/Adoptions

The following is a list of the 2018 proposals/adoptions. This list, with previous years included, can be found at <http://www.nj.gov/dca/divisions/codes/codreg/> by scrolling to "Rule Proposals and Adoptions."

Posted in NJ Register	Subject	Submit Comments by:	Adoption Date
Dec 17, 2018	Uniform Construction Code - Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) Contractors Proposed Amendments: N.J.A.C. 5:23-2.15 and 2.15A	Feb 15, 2019	
Nov 19, 2018	Notice of Administrative Correction Rehabilitation Subcode, N.J.A.C. 5:23-6.31	N/A	Nov 19, 2018
Aug 06, 2018	Notice of Administrative Correction Liquefied Petroleum Gas-Public Comments, N.J.A.C. 5:18-1.6	N/A	Aug 06, 2018
Aug 06, 2018	Notice of Administrative Correction Uniform Construction Code-State Enforcing Agencies, N.J.A.C. 5:23-4.9	N/A	Aug 06, 2018
Aug 06, 2018	Notice of Readoption - Regulations Governing New Home Warranties and Builders' Registration Readoption: N.J.A.C. 5:25	N/A	Aug 06, 2018
May 07, 2018	Notice of Readoption - Planned Real Estate Development Full Disclosure Act Regulations Readoption: N.J.A.C. 5:26	N/A	May 07, 2018
Jan 02, 2018	Notice of Readoption - Landlord Tenant Relations Readoption: N.J.A.C. 5:29	N/A	Jan 02, 2018
Aug 21, 2017	Maintenance of Hotels and Multiple Dwellings - Human Trafficking Proposed Amendments: N.J.A.C. 5:10-1.12 and 28.1 Proposed New Rule: N.J.A.C. 5:10-29	Oct 20, 2017	Jan 16, 2018 NSC
Aug 07, 2017	Carnival-Amusement Rides Proposed Amendments: N.J.A.C. 5:14A-1.2, 1.3, 2.4, 2.5, 2.6, 2.7, 2.10, 2.11, 2.14, 2.15, 4.13, 5.5, 7.1, 7.7, 7.8, 9.11, 10.7, 10.8, 13.3, 13.8, 13.9, 14.5	Oct 06, 2017	Jan 16, 2018 NSC
Aug 07, 2017	Liquefied Petroleum Gas Proposed Amendment: N.J.A.C. 5:18-1.6	Oct 06, 2017	Jan 16, 2018 NSC
Aug 07, 2017	Uniform Construction Code Proposed 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, 6.2, and 7.1	Oct 06, 2017	Aug 20, 2018 NSC
Aug 07, 2017	Uniform Construction Code - Minor Work & Ordinary Maintenance Proposed Amendments: N.J.A.C. 5:23-1.4, 2.7, 2.14, and 2.17A <i>(Notice of Public Hearing November 29, 2017 for above Proposed Amendments)</i>	Oct 06, 2017	Mar 05, 2018 WC
June 05, 2017	Uniform Construction Code / Rooming and Boarding Houses - Sober Living Res Proposed Amendments: N.J.A.C. 5:23-3.11, 3.14, 6.31; and 5:27-1.4, 1.5, 1.6, 1.9, 2.1, 3.2 through 3.6, 3.8, 3.9, 3.12, 4.1 through 4.9, 6.1, 6.2, 6.3, 7.1 through 7.4, 8.1 through 8.4, 9.1, 10.1, 11.1, 12.1, 13.1, and 14.1	Aug 04, 2017	Jan 16, 2018 NSC
Feb 21, 2017	Uniform Construction Code Proposed Amendments: N.J.A.C. 5:23-2.2, 2.6, 2.7, 2.14, 2.15, 2.15A, 2.20, 2.23, 2.35, 2.37, 3.2, 3.4, 3.8, 3.14, 3.15, 3.22, 4.26, 5.3 and 12.8	Apr 22, 2017	Jan 16, 2018 NSC

Source: Code Assistance Unit, (609) 984-7609

Special Inspections and EIFS

New Article, Winter 2018

If you haven't noticed, Section 1408 of the International Building Code/2015 (IBC/2015), regarding Exterior Insulation And Finish Systems (EIFS) is not very large. This is because EIFS installations follow the manufacturer's installation instructions. That being said, it is important that you do not overlook the remaining requirements in Section 1408.

One question that arises is for inspections. In all cases, the local construction office performs its inspections per N.J.A.C. 5:23-2.18 as normal. In the case of a Class 1 building (see NJAC 5:23-4.3A(d)), there is an additional Special Inspection per Section 1705.16, Exterior Insulation and Finish Systems (EIFS), of the IBC/2015.

I make note of the above as, at first glance, Section 1408.6, Special Inspections, of the IBC/2015 appears to require a special inspection for EIFS installations. Make sure you take a second glance to notice that this section further clarifies that the special inspection applies to conditions listed at Section 1704.2, Special Inspections and Tests, of the IBC/2015. When you put these two sections together, it becomes clear that the special inspection for EIFS applies only to Class 1 buildings.

Source: Rob Austin, Code Assistance Unit
(609) 984-7609

Change of Use in Farm Buildings

(Letter to Code Officials – May 11, 2018)

The Division of Fire Safety will be contacting local fire officials and advising them of the need to inspect farms for compliance with the Uniform Fire Code. The Division is taking this action because they are concerned that in many cases farm buildings that were intended for other purposes, usually storage, are being used to house farm labor. If the building was built after 1977 and has a certificate of occupancy as an "S" use group, this constitutes a change in use group under the Uniform Construction Code. In cases where there is a change in use group under the Uniform Construction Code, the Fire Official will refer the case in writing to the Construction Official for appropriate follow up.

A notice of violation must be issued where there has been an illegal change of use group. Because this action will likely be occurring during the growing season, the Department is recommending that Construction Officials obtain compliance in stages. The first stage would be to require essential safeguards and limits on occupancy that would allow the buildings to continue to be occupied until after the growing season. The second stage would be compliance with the change of use provisions of the rehabilitation subcode, which would have to be completed before the beginning of the next growing season, or for farms where the labor resides year-round, such reasonable period of time that will allow them to comply. As an alternative, the farmer can elect to discontinue the residential use of the structure.

For first stage compliance, the Department recommends the following features and limitations be required:

- Housing must only occupy the ground level.
- Occupant load limit of 50 people. The occupant load can be increased to not more than 100 people where egress doors are spaced not more than 75 feet around the perimeter of the building.
- Maximum travel distance of 75 feet.
- Hard wired smoke alarms (installed in accordance with the manufacturer installation instructions).
- No cooking operations within the housing building unless they are protected with an approved type 1 hood.
- Not less than two means of egress (remote from each other).
- A fire extinguisher (2-A:20-B:C) located within 50 feet of any point within the building.
- Bathroom facilities (temporary or permanent) within 200 feet.
- Hard wired CO alarm installed when a fuel burning appliance is within the building or there are garage facilities attached to the building.

It should be understood that the above conditions are general guidance and do not preclude the local enforcing agency having jurisdiction from making other determinations based on specific conditions. In order for the building to continue to be occupied as housing, a certificate of occupancy will have to be issued for the residential use group (R-2). The Department recommends that the CO be issued for temporary construction with an expiration of 180 days from the date of issuance. At the conclusion of the 180 days the farmer will have to remove the building or make the building compliant with the intended use group. Any alterations to meet first stage compliance, requires the issuance of Uniform Construction Code permits.

For second stage compliance, assuming the farmer will not elect to remove the building, the requirements of N.J.A.C. 5:23 – 6.31 should be applied, if the intended use is to continue as R-2. It may be necessary to issue variations for some requirements, where hardships exist such as pinelands restrictions, etc.

If you have questions, please contact the Code Assistance Unit at (609) 292-7898.

Source: Edward M. Smith, Director, Division of Codes and Standards

Summary of Rule Changes in 2018

Amendments not listed update and insert cross references and/or section titles.

MARCH 5, 2018 TRANSMITTAL

December 18, 2017, *New Jersey Register*

- **N.J.A.C. 5:23-2.34** – New rules address safety concerns related to the usage of crane equipment.

January 16, 2018, *New Jersey Register*

- **N.J.A.C. 5:23-2.2** – The amendments state that equipment, process, or operations that involve dust explosion hazards should not be considered manufacturing, production, or process equipment, and are therefore regulated by the UCC.
- **N.J.A.C. 5:23-2.6 and 2.23** – These sections are amended for consistency to incorporate language which addresses the need for a new certificate of occupancy to change back to a previous occupancy in both sections.
- **N.J.A.C. 5:23-2.15(a)6 and 2.20(b)** – The amendments clarify the requirement for a special inspection for smoke control systems.
- **N.J.A.C. 5:23-2.15(b)3** – The amendments require that contractors list their certification number when applying for a permit that involves liquefied petroleum gas (LPG) service work.
- **N.J.A.C. 5:23-2.37** – The amendments create an exception to the requirement for documentation from the utility for a disconnect prior to elevation.
- **N.J.A.C. 5:23-3.4** – The inspection responsibility for backflow preventers on dedicated fire service supply lines was designated to the fire inspector/subcode official. The list of work to be inspected by the mechanical inspector was updated to match the work to be inspected by the plumbing subcode; this is also updated at **N.J.A.C. 5:23-5.3(a)1**.
- **N.J.A.C. 5:23-3.11, 3.14, and 6.31** – Amendments provide a definition for Cooperative Sober Living Residences (CSLRs), establish that the Department is the sole enforcing agency for CSLRs, and address the issue of a change in the character of use of a single-family dwelling of group R-3 or R-5 to a CSLR.

March 5, 2018, *New Jersey Register*

- **N.J.A.C. 5:23-1.4** – “Prior approvals” are removed as a restriction from considering a project as minor work.
- **N.J.A.C. 5:23-2.7(c)1** – Ordinary building maintenance has been expanded in various ways including interior and exterior finishes; roofing; flooring; insulation; screens; storable spas or hot tubs; and gutters and leaders.
- **N.J.A.C. 5:23-2.7(c)2** – Ordinary plumbing maintenance has been expanded to account for the replacement of hose bib valves in all structures; the repair of leaks involving pipes; the replacement of valves; the replacement of traps related to culinary sinks; and the replacement of domestic dishwashers.
- **N.J.A.C. 5:23-2.7(c)3** – Ordinary electrical maintenance has been expanded to account for the replacement of receptacles, switches, or lighting fixtures; the replacement of kitchen range hoods; the installation of burglar alarms, security systems, and door bells; and plug in irrigation landscape units.
- **N.J.A.C. 5:23-2.7(c)5v** – Ordinary heating, ventilation, and air conditioning maintenance has been expanded to include the replacement of domestic clothes dryers, stoves, and ovens in dwelling units; and the application of liquid applied lining material inside an existing chimney.
- **N.J.A.C. 5:23-2.14** – The size of garden-type utility sheds and similar structures for which a construction permit is not required is increased from 100 to 200 square feet.
- **N.J.A.C. 5:23-2.17A(b)1 and 2** – The amendments update how to provide notice to the local enforcing agency that a minor work project has begun to reflect more recent technology.
- **N.J.A.C. 5:23-2.17A(c)3** – The amendments allow for the replacement of boilers within the jurisdiction of the UCC; limit the replacement of existing wiring; classify all fishing as minor work; allow for the installation of radon mitigation systems in all uses as long as there is no new electrical work; and add doorbells to the list of items that may be installed as minor work in structures other than one- and two-family dwellings.
- **N.J.A.C. 5:23-2.17A (d)1** – Reflecting the concern for safety inherent in the inspection requirements, the inspection timeframe would be changed from within 30 days to within three business days after completion of the work.

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Please direct any comments or suggestions to the NJDCA, Division of Codes and Standards, Attention: Code Development Unit, PO Box 802, Trenton, NJ 08625-0802 or codeassist@dca.nj.gov.

(Summary of Rule Changes in 2018)

AUGUST 20, 2018 TRANSMITTALAugust 6, 2018, *New Jersey Register*

- **N.J.A.C. 5:23-4.9** – An administrative correction revised a typographical error.

August 20, 2018, *New Jersey Register*

- **N.J.A.C. 5:23-2.20(d)** – The amendments clarify the intention of the code with respect to the ability of a contractor to submit a Chimney Verification form.
- **N.J.A.C. 5:23-3.2(d)12vi and 14** – The amendments remove the requirement for commercial farm buildings to have lightning protection. The amendments further provide two exceptions to commercial farm buildings with regard to the requirement to have plumbing fixtures.
- **N.J.A.C. 5:23-3.4** – The amendments establish plan review and inspection responsibilities for the referenced standards of the IBC, International Residential Code (IRC), and International Swimming Pool and Spa Code (ISPSC).
- **N.J.A.C. 5:23-3.14(b)10ii, vi, xxxvi, and xlvi** – The accessibility requirements of the International Building Code/2015 (IBC) were corrected to retain provisions that existed in the previously adopted Barrier Free Subcode. The amendments also ensure that a limited use/limited application elevator (LU/LA) could be used to provide a vertical accessible route in a small building as well as a large one.
- **N.J.A.C. 5:23-4.5(b)** – The amendments list a new standard application form for annual permits.
- **N.J.A.C. 5:23-4.12(a), 4.13(a) and (b), and 4.14(b)** – The amendments allow third-party agencies to perform only inspections. Previously, the code limited private agencies to serving as the subcode officials exclusively, meaning they had to perform plan review and inspections. The conflict of interest standards applicable to employees of third-party agencies are also relaxed.

NOVEMBER 19, 2018 TRANSMITTALNovember 19, 2018, *New Jersey Register*

- **N.J.A.C. 5:23-6.31** – An administrative correction replaced a reference to the mechanical subcode with a reference to Section 915 of the building subcode or Section 315 of the one- and two-family dwelling subcode, as applicable.

Source: Code Assistance Unit
(609) 984-7609

Garden-Type Utility Sheds and Similar Structures – Clarification – Update *(Reprint with updated references -- Volume 25 Number 4 Winter 2013)*

On April 20, 2009, the Department repealed N.J.A.C. 5:23-9.9, Foundation systems for garden type utility sheds and similar structures. The provisions of this section were moved within the applicable chapters of the building and the one- and two-family dwelling subcodes. Therefore, the exceptions in Sections 1809.4, Depth and Width of Footings, and 1809.5, Frost Protection, of the International Building Code/2015 (IBC/2015) and Section R403.1.4, Minimum Depth, of the International Residential Code/2015 (IRC/2015) have been modified to reflect old N.J.A.C. 5:23-9.9. Both the IBC/2015 and IRC/2015 allow free standing storage-type buildings to be built without a foundation to frost-depth as long as the building meets the following three conditions:

- 1) The building presents a low hazard to human life in the event of failure; these include, but are not limited to, agricultural buildings, temporary buildings, and minor storage facilities;
- 2) The building an area of 600 square feet or less for light framed construction (LFC), or 400 square feet or less for other than light-framed construction (OTLFC); and
- 3) The building has an eave height of 10 feet or less. However, unlike old N.J.A.C. 5:23-9.9, footings were required in all cases to be at least 12 inches in depth.

(Note: These sections remain the same in the 2018 editions.)

A brief summary follows (all 10 feet or less in height):

- 100 ft² or less – footings of 12 inches deep not required provided the structures do not contain utility connections and are of sufficient weight to remain in place or be anchored to the ground (like old N.J.A.C. 5:23-9.9(a));

(Continued on next page)

(Garden-Type Utility Sheds and Similar Structures – Clarification)

- More than 100 ft² up to 200 ft² – footings of 12 inches deep not required provided the structures are dimensionally stable without the foundation system and do not contain utility connections. A structure shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground (like old N.J.A.C. 5:23- 9.9(b));
- Buildings of more than 200 ft² up to 600 ft² LFC or 400 ft² OTLFC – Footings of 12 inches deep required; or
- Buildings of more than 600 ft² LFC or 400 ft² OTLFC – Footings to frost required.

Garden-type utility sheds require a construction permit for building work unless the structure is 200 square feet or less in area, and 10 feet or less in height, and accessory to buildings of Group R-2, R-3, R-4, or R-5, and does not contain a water, gas, oil or sewer connection. A construction permit for electrical work shall be required, when applicable, pursuant to N.J.A.C. 5:23-2.14(b)8 (as updated 03/05/18).

For commercial farm buildings, the permit requirements are slightly different. As per N.J.A.C. 5:23-3.2(d)6, garden-type utility sheds and similar structures are exempt from permit requirements provided the structure is 200 square feet or less in area, 10 feet or less in height, has no utility (water, gas, oil, sewer or electric) connections, and the shed is dimensionally stable without the foundation system. A shed is considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. Also, as per N.J.A.C. 5:23-3.2(d)5, a three-sided turn-out shed used to shelter livestock is exempt from permit requirements provided there is no permanent foundation or floor and provided the structure is 250 square feet or less in area, and 14 feet or less in height, and has no utility (water, gas, oil, sewer or electric) connections. In both cases, the structure has to be of sufficient weight to remain in place or has to be anchored to the ground (concrete is not be required for anchoring).

Source: Rob Austin
Code Assistance Unit
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Finishing Basements in Existing Detached Single Family Homes 

As you may recall, on March, 5 2018, significant changes to the Uniform Construction Code (UCC) were adopted regarding ordinary maintenance and minor work. This adoption impacted the permitting and inspection process for work done in existing, detached single-family homes. These changes, among other factors, should be considered when finishing a basement in such homes. This work should be handled as follows:

- **Minor Work Permits** are to be issued pursuant to N.J.A.C. 5:23-2.17A(c)1ii (<https://www.nj.gov/dca/divisions/codes/codreg/ucc.html>), assuming that the scope of the project is limited to finishing the basement's perimeter, floors, and ceiling, and does NOT include creating rooms by adding partition walls. Adding plumbing fixtures would also be considered minor work. Building partition walls would require a full UCC permit per N.J.A.C. 5:23-2.14(a) for the reconfiguring of space.
- **Final inspection** shall be conducted as per N.J.A.C. 5:23-2.17A(d)2, assuming the finishing of the basement fits the above criteria as minor work. This means no rough inspections are required.
- **Typical installations** are addressed in Construction Code Communicator (CCC), Volume 24 (Fall 2012), Number 3, Page 7, "Items to Consider When Finishing a Basement." (https://www.nj.gov/dca/divisions/codes/publications/pdf_ccc/ccc_2012_vol_24_no3_fall.pdf)
- **Ceiling Height** is addressed in CCC, Volume 29 (Fall 2017), Number 3, Page 8, "Ceiling Height in Existing Homes." (<https://www.nj.gov/dca/divisions/codes/publications/ccc.html>)
- **Basement Drains and Sump Pumps** are addressed in CCC, Volume 30 (Fall 2018), Number 3, Page 14, "Permits are Not Required for Basement Drains" (as well as "Permits are Not Required for Basement Drains – Update" from this edition) (https://www.nj.gov/dca/divisions/codes/publications/pdf_ccc/CCC_Fall_2018.pdf), and CCC, Volume 4 (Spring 1992), Number 1, Page 10, "Basement Drainage Trench." (https://www.nj.gov/dca/divisions/codes/publications/pdf_ccc/1992_v4.pdf)
- **Radon** work is addressed in UCC Bulletin 93-4, "Radon Hazard Subcode and Radon Mitigation Work in Existing Buildings." (<https://www.nj.gov/dca/divisions/codes/resources/bulletins.html>)
- **Documentation** is addressed in UCC Bulletin 94-3, "Permit Documentation." (https://www.nj.gov/dca/divisions/codes/publications/pdf_bulletins/b_94-3.pdf)

For more involved basement refinishing projects, one should assume a full UCC permit is to be issued per N.J.A.C. 5:23-2.14(a).

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