

# Construction Code Communicator



State of New Jersey  
Thomas H. Kean, Governor

Department of Community Affairs  
Anthony M. Villane Jr., DDS, Commissioner

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 enactment 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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**UCC...**

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

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**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 Michalowski, 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 officials, 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 □

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### 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
<b>Bureau of Homeowner Protection</b>	
Chief:	609-530-6183
Planned Real Estate Development:	609-530-5474
Builder Registration:	609-530-8800
<b>Bureau of Technical Services</b>	
Chief:	609-530-8797
Code Assistance:	609-530-8793
Education Unit:	609-530-8798
Licensing:	609-530-8803
Publications:	609-530-8792
<b>Bureau of Code Services</b>	
Chief:	609-530-8857
Asbestos:	609-530-8812
State Buildings:	609-530-8837
Industrialized Buildings:	609-530-8833
<b>Bureau of Regulatory Affairs</b>	
Chief:	609-530-8838
Investigations:	609-530-8841
Municipal Assistance & Monitoring:	609-530-8839
<b>Bureau of Construction Project Review</b>	
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  
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Anthony M. Villane Jr., DDS, Commissioner

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## 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.

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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 municipality 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:

<u>Type of Building</u>	<u>Type of Work</u>	<u>Examples</u>
1.Existing residential structures	Additions Alterations Repair/ Replacement Demolition	Roofing Siding Decks Patio 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

(Continued on Page 7)

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 custom-

ers. 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

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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.

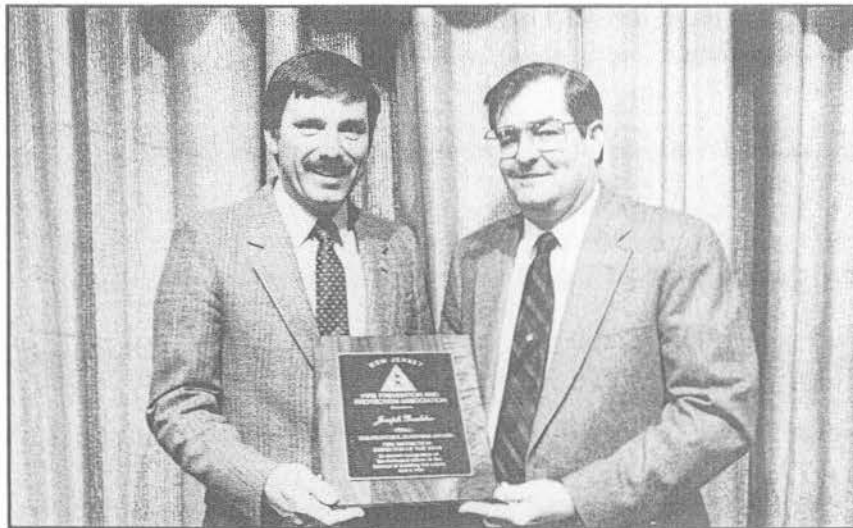
(Continued on Page 10)



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 identification 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 □

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## 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 \$4.00

(Subchapter 7 N.J.A.C. 5:23-7)

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

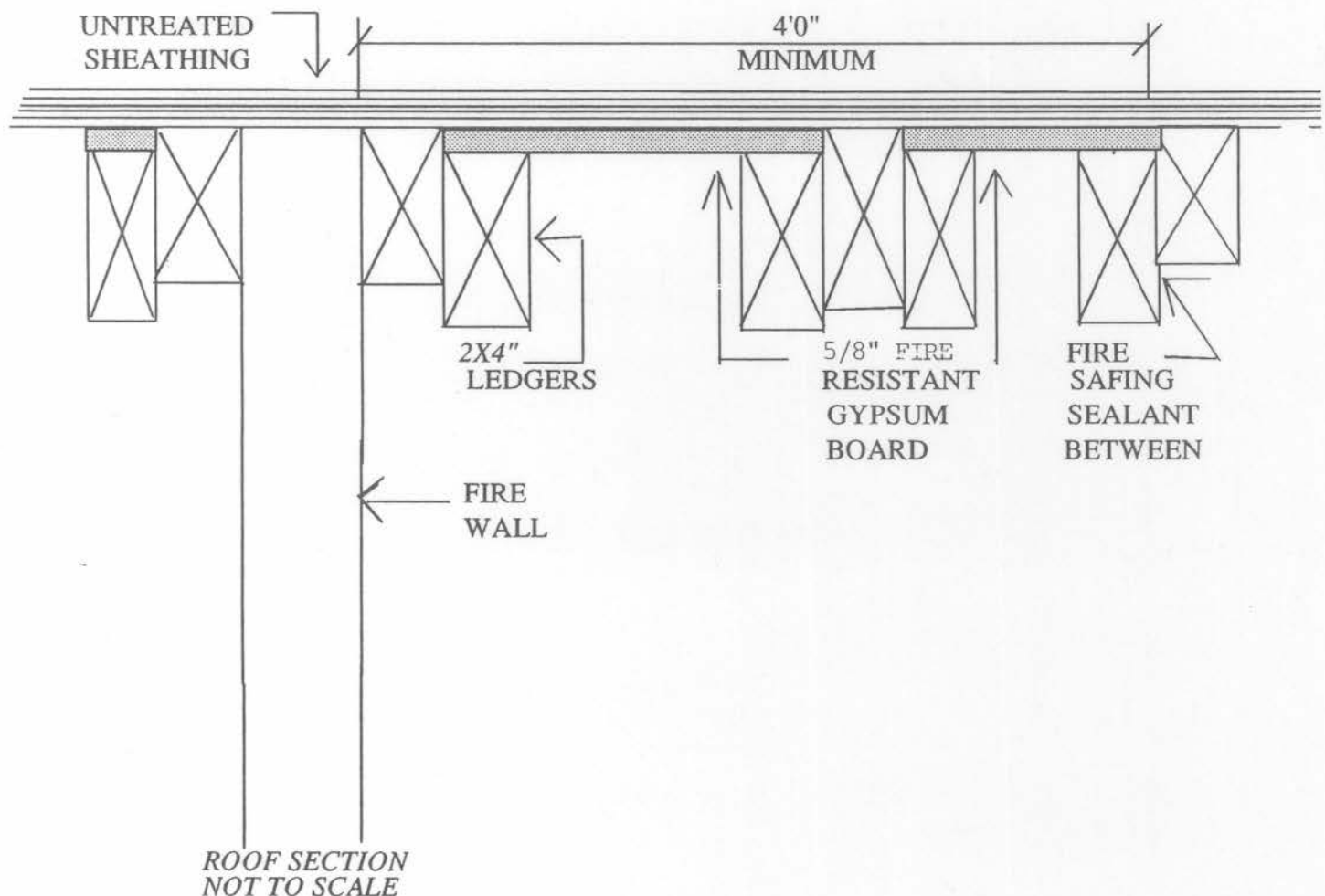
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## FIRE RETARDANT TREATED PLYWOOD

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 occurred, 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 according 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. <u>Spouses</u>
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 confirmed 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 I.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
<u>750 male</u>	4	2	2 (based on total)
<u>750 female</u>	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% = <u>80 male</u>	2	1	<u>2</u>
<u>80 female</u>	3	-	<u>2</u>

(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