

Construction Code Communicator



State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Melvin R. Primas, Jr., Commissioner

Volume 4 Number 1

Spring 1992

Americans with Disabilities Act II

Since the Americans with Disabilities Act (ADA) became effective on January 26, 1992, the Department has received several requests for a clarification of the relationship between the new federal law and the Barrier-Free Subcode (BFSC). The short answer is that there is no relationship, since the ADA is civil rights legislation and the BFSC is, of course, a code. Each can—and will—be enforced; the ADA by the federal courts and the BFSC by the State and by local construction officials.

For the short term, this is the only premise reasonable to adopt. However, the Department is looking at long-term solutions which provide for essentially the same set of technical provisions by federal, state, and local levels of government. It appears that this is in the best interests of everyone, including architects, developers, owners, persons with disabilities, and code enforcement officials. A common set of technical standards will eliminate confusion and will also provide the best chance of seeing buildings that comply on the day they open for business, rather than years later, perhaps only after costly litigation. This solution is being looked at very carefully by a number of states, the model building code organizations (including BOCA), and the United States Department of Justice (US DOJ).

In the interim, however, there is one issue to be dealt with; namely, the few areas of direct conflict between the federal ADA regulations (ADA Accessibility Guidelines—ADAAG) and the provisions of the BFSC. For example, the BFSC requires that a lavatory be mounted at 35 inches; the ADA specifies that a lavatory be mounted no higher than 34 inches. The BFSC requires that the letters on signs be a maximum of 2 inches high; the ADAAG requires that the letters on certain signs be 3 inches high. These two examples are subtle, but, clearly, these requirements of the BFSC and the ADAAG cannot both be met. The Department urges construction officials to be reasonable. Should the applicant for a permit request permission to meet the ADA requirement on the grounds that the dimensional tolerances of the BFSC and the ADAAG cannot both be met, the Department urges construction officials, upon confirmation of the discrepancy, to grant a variation allowing ADA compliance. Please note that it is important to deal with this issue through the DCA variation process, since that provides, for all parties, a written record of the conflict and of its resolution.

The resolution of a conflict of this nature differs from a situation in which the ADAAG requirements are more stringent than those of the BFSC. In this case, compliance with the ADAAG differs from, but does not contradict, the requirements of the BFSC. For example, the ADAAG establishes 3 Hz as the maximum flash rate for visual alarms; the BFSC specifies that the flash rate be less than 5 Hz. In this case, compliance with the ADAAG also provides compliance with the BFSC and no variation is required. The same reasoning applies to parking areas. The ADAAG requires more parking spaces than does the BFSC; the ADAAG also requires a van-sized parking space. In this case, compliance with the ADAAG also provides compliance with the BFSC. Conversely, there are instances where the BFSC is more restrictive than the ADAAG. The US DOJ has taken the same position we

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have—that compliance with a more stringent state or local code provides compliance with the ADAAG. For example, the ADA specifically exempts religious organizations and private clubs; New Jersey state law does not. Therefore, a religious organization or a private club in New Jersey must comply with the BFSC. Another example addresses parking requirements: the BFSC requires that accessible parking spaces be within 200 feet of an accessible entrance; the ADAAG, on the other hand, requires that accessible parking spaces be in any lot that ensures access and is cost effective.

We know that the ADA Accessibility Guidelines are federal regulations, and we recognize that construction officials are not responsible for the enforcement of federal regulations; therefore, it is possible that construction officials may not be knowledgeable about specific requirements of the ADAAG. If you have questions, please call Emily Templeton, Code Development Unit, at 609/530-8789.

Source: Charles M. Decker, AIA
Assistant Director, Division of Codes
and Standards



Elevator Safety Program Update

Registration

Over the last several months, the Department has initiated the registration of elevator devices. To compile a registry, we have contacted manufacturers, installation contractors, maintenance contractors, and inspection firms. We have also written articles and requests for information which have been published in trade newsletters and magazines.

Recently, the Department selected 23 municipalities, broadly representative of the State, to help us identify elevator devices in their municipalities. Construction officials in those municipalities received a list of buildings within their jurisdiction that were already registered with us. Those construction officials have been verifying the information on the list and have been adding any elevators not previously registered. These location reports have been updated monthly as more buildings have been registered.

We now must extend this effort to all construction officials. The Department will send to each construction official a list of the buildings registered in the municipality. We ask the construction official to verify the information on the list and to add any buildings that contain elevator devices. This request for information must be completed by June 1992. Once the list of elevator devices in a particular municipality is complete, it will be sent to the construction official for his or her records. This list will include the registration number of the building, the building address, the owner's name, the block and lot, the device type, and the number of devices in the building.

Jurisdiction

The regulations allow a municipality to adopt a resolution to provide for the employment of an elevator subcode official, licensed in accordance with *N.J.A.C. 5:23-5 et seq.*, or to contract

with a private on-site inspection and plan review agency to carry out the provisions of the Elevator Subcode. Alternatively, it may request that the State (DCA) enforce the regulations.

It is critical that each municipality select one of these alternatives prior to July 1, 1992; it is equally critical that each municipality advise the Department of its decision as soon as possible. Construction officials should have received a letter and a form on which to indicate their chosen alternative. Please return the forms as soon as possible to Paul Sachdeva, Manager, Elevator Safety Unit, CN 816, Trenton, New Jersey 08625-0816. This information, once received, will enable the Department to allocate its resources appropriately.

If, by July 1, 1992, a municipality has not hired an elevator subcode official, contracted with a third-party agency, or notified DCA that it has opted for State jurisdiction, in accordance with the law the Department will automatically have exclusive jurisdiction in that municipality to review plans, witness tests, and inspect elevators. Thereafter, a municipality may acquire jurisdiction for enforcing the Elevator Subcode by enacting the necessary resolution and hiring an elevator subcode official. However, the transfer of jurisdiction from DCA to the municipality may not be effective for 120 calendar days following the Department's receipt of a certified copy of the resolution.

A list of licensed elevator inspectors and elevator subcode officials may be obtained from the Bureau of Technical Services, Licensing Unit. A list of private on-site inspection and plan review agencies authorized to enforce the Elevator Subcode may be obtained from the Bureau of Regulatory Affairs. These lists are continually updated to provide accurate and timely information.

If you have any questions, please call the Elevator Safety Unit at 609/530-8833.

Source: Charles F. Tarr, Jr.
Chief, Bureau of Code Services



Uniform Construction Code

Administrative Reports:

Computerized Data System Mandated

There are presently over 300 municipalities in New Jersey using the Uniform Construction Code Activity Reporting System (UCCARS). Of that number, 210 municipalities are transmitting their DCA Monthly Activity Reports by modem.

On February 3, 1992, the *New Jersey Register* published the adoption for mandated electronic reporting of the DCA Construction Code Activity Reports. Municipalities which are not reporting electronically should carefully examine the adopted regulations to determine when and if the regulations apply to them.

A brief synopsis of the adoption follows:

1. Any municipality issuing 600 or more permits per year, as determined by the Department, must report electronically by December 31, 1992.
2. Any municipality issuing fewer than 600 but more than 200

permits per year must report electronically by December 31, 1993.

3. Those issuing under 200 permits per year continue to be entitled to the UCCARS system, but it is not mandated.
4. As long as funding permits, the Department will provide the UCCARS software, training, and technical support for the system free of charge to municipalities. This service will also be provided for all upgrades to the software.

Please note that using UCCARS without transmitting electronically is not sufficient. The nearly 100 municipalities currently using System I UCCARS but not transmitting by modem *must* transmit by the dates established, if their permit activity requires electronic reporting.

Source: William Hartz
Chief, Bureau of Technical Services

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Low-Volume Water Closets

On July 1, 1991, the Department adopted a regulation amending the National Standard Plumbing Code (NSPC). This regulation requires 1.6 gallon-per-flush (GPF) water closets and also requires pressurized 1.6 GPF water closets in specific applications (use groups A, B, E, M). Following the promulgation of this regulation, but before the expiration of the six-month grace period, in response to data provided by plumbing wholesale distributors throughout the state, the Department promulgated a regulation that allows the sale and installation of water closets requiring more than 1.6 GPF as long as they were manufactured on or before July 1, 1991. Manufacturers commonly etch the date of manufacture inside the tank. Plumbing subcode officials should check the date inside the tank of the water closet. If water closets requiring more than 1.6 GPF have a manufacturer's date of July 1, 1991, or earlier, they are code-conforming. If the water closet requires more than 1.6 GPF and the date is after July 1, 1991, the water closet violates the plumbing subcode.

Source: Emily Templeton
Code Development Unit

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Using UCCARS

The level of development activity has been cranked up a few notches during the past several months. The resulting changes you will be seeing in UCCARS this year are described below.

You already know about System III. By the time you read this, training classes will be going full tilt. Most UCCARS users (both System I and System II) are looking forward to logging inspection requests and results directly into their computers. The benefits you will enjoy are less paperwork, better tracking on-screen look-ups, and no more manual inspection log reports.

System III is no longer a stand-alone UCCARS system, as are Systems I and II. Because of its popularity, System III has been

incorporated into both primary UCCARS systems. When you come to System III training, you will receive a new, enhanced version of System I if you are a System I user, or of System II if you have upgraded to System II. These enhanced versions will contain all the System III functions, including the inspection module, ongoing inspection tickler reporting, and plan review tracking.

By July 1 you will receive yet another new version of UCCARS. This version will provide you with the capability of entering the new Elevator Subcode.

The changes to System I will not be too dramatic. There will be additional fields on the screen in which to record Elevator Subcode fees, and you will be able to record the new Certificate of Compliance. UCCARS reports will be modified to reflect this new data, and the data transmission section will be modified to send this data to DCA.

System II, on the other hand, undergoes major surgery. A fifth subcode section will be added to the program. As with the current subcodes, the entire Elevator Subcode form will be displayed on-screen. You will also be able to print this new Standard Form, and all the subcode data you've entered, directly onto 3-part or 4-part printer paper. The Certificate Application section will be enhanced so you can enter Certificates of Compliance, and the reporting and data transmission sections will be modified to handle all this new data.

Speaking of Standard Forms, many of them are being updated. Since the UCCARS display screens and reports duplicate the Standard Form formats, this means UCCARS will be correspondingly updated to include all applicable revisions to these forms.

Another major enhancement you will see in UCCARS this year is the ability to archive your old UCCARS data. This will provide you with a means of cleaning out your UCCARS databases that have been accumulating permits and certificates for several years. You will be able to off-load old permit data to tape, and conversely, to view the contents of these archive tapes.

Source: Stan Kosciuk
President, Municipal Information Systems

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The DOH's Review of Plans for Food Establishments

The Construction Code Element was recently made aware of N.J.A.C. 8:24-10.1, a Department of Health (DOH) regulation which requires owners of planned retail food establishments to submit "plans" to the health authority prior to construction. This applies to new as well as to altered or converted establishments.

What construction officials should do:

Construction officials should be aware that:

1. the "plans" required by DOH are not UCC plans;
2. A DOH approval in this instance is not a prior approval for construction work;

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3. It is reasonable for a construction official to inform applicants who are food retailers (or their agents) that DOH has separate, special requirements for the licensure of food retailers, based on food handling and processing.

Construction Activity vs. DOH Licensure

It is wrong to read *N.J.A.C. 8:24-10.1* as prohibiting construction activity. An applicant with approved plans and a permit from a construction official can perform construction work, but absent DOH approval, the applicant cannot offer food for retail. DOH approval is not a "prior approval" as we have come to know the term. Because the DOH is concerned with very technical aspects of food handling such as hand-washing and the exact temperatures at which foods may be frozen, stored, cooked, and served to prevent unsanitary conditions, health officials do want information from applicants about what types of foods they intend to serve at a given establishment. Thus, if an applicant has made no provisions for adequate storage, handling, and preparation, DOH wants to know about it. Their review of "plans" (which could be different from what a construction official would require) would be, in part, to determine consistency with stated intent. Thus, if a food retailer claims to intend to serve certain prepared items, but is not purchasing and installing the appropriate equipment to store materials and to safely prepare and serve such items, DOH officials' review of plans and other documents could make a retailer's deficiencies obvious.

DOH's requirements at *N.J.A.C. 8:24-10.1* should be read as outside the UCC. DOH has said that "alteration" in their regulation is not intended to be the same activity as that which would trigger the requirement for a construction permit. DOH is interested in food handling and processing. To that end, they are interested in surface characteristics, finish, capacity, and temperature of storage areas, processing equipment specifications, etc. Some of these features are not required to be shown on plans as construction officials know them. A major concern of the DOH is facilities which we consider to be processing equipment, and for which we do not review plans.

Similarly, some of the activities which could constitute a DOH violation, e.g., placing an uncovered fresh seafood tank next to a beef rotisserie, and positioning both of them too near a bathroom, would be outside any restrictions found in the UCC, yet could constitute an unsanitary condition which would demand the attention of a health officer.

As another example of how the jurisdictions of a construction official and a health officer compare, while the UCC controls how many toilets or sinks a structure has and how these are installed, it is DOH which requires that they be kept clean and functional. Similarly, another DOH provision requires flooring smooth enough to clean adequately to preclude the accumulation of liquids. These requirements, again, are something that the UCC does not cover.

To sum up, a health officer's jurisdiction does not cover the prohibition of construction work. DOH's enabling statute, *N.J.S.A. 26:1A-7*, allows the Public Health Council to address health risks such as contamination of food, which is what their regulations seek to address.

Source: Chrystene Wyluda
Code Development Unit



Did I Pass My Inspection?

I frequently get calls from contractors and homeowners, who say, "I just had an inspection, but I don't know if I passed or failed." My first reaction is usually, "What did the inspector say?", or "What does the sticker say?". The response is that the inspector just mumbled something, did not answer when asked if the inspection was passed, and did not leave a sticker.

I then suggest that the caller contact the building department for an explanation. The owner/contractor is not permitted to proceed with work until the required inspections referred to by *N.J.A.C. 5:23-2.18* are approved. Obviously, a delay in receiving approval creates construction delays as well as annoyance for the contractor/owner.

A large part of our job as officials includes communication with the public. Further, *N.J.A.C. 5:23-2.18(e)* requires that the enforcing agency make a written record of all inspections, including any discrepancies. *N.J.A.C. 5:23-4.5* requires that inspection stickers, both approved and not approved, be used by the enforcing agency.

As human beings, we all have bad days; however, giving information about an inspection does not seem an unreasonable demand. We have also all had occasions when we were unsure whether a violation existed and needed to research the situation. That is not a problem, but you should communicate those concerns to the contractor/owner and complete your research as soon as possible so the problem can be resolved.

Remember, communication is an important part of our role as professionals. Lack of communication frequently creates animosity between the builder/homeowner and inspector, and on occasion, leads to a complaint to Regulatory Affairs. By either discussing your inspection concerns or leaving an inspection report of violations, you provide a clear understanding of any problems exists, resulting in more speedy corrections. So please keep the communication bridge open. You will find it makes you more respected as a professional, and assists the builder/homeowner in making corrections and bringing the project into compliance.

Source: Gerald E. Grayce
Bureau of Regulatory Affairs



Off the Shelves!

(Or, Products Violating the Code)

N.J.S.A. 52:27D-138a(5) contains the statutory authority for the Department to impose penalties on "any person or corporation...who...knowingly sells or offers for retail sale any item, device or material the regular and intended use of which would violate any provision of the State Uniform Construction Code."

The Department, under that legislative authority, adopted the rule found at *N.J.A.C. 5:23-3.8A*, which contains a list of items "not in conformance with the Uniform Construction Code." These products were placed there with due public notice and for reasons involving the public health and welfare.

We occasionally get rumblings that either one of the chain stores or a smaller hardware or supply store has one or more of those items on its shelves. Under the rules noted above, either a local code official or Regulatory Affairs can issue violation notices. Remember, the list in *N.J.A.C. 5:23-3.8A* contains clearly prohibited items. If you have problems with an item not on the list, give us some details so that we can investigate, verify, and add to the list, if appropriate.

We have sent notice to some stores, occasionally as a result of a DCA employee looking through the throwaway circulars in his or her mail and spotting a questionable item. This is obviously a haphazard approach, but the best we can do, given the sheer numbers of wholesale and retail establishments in New Jersey combined with our limited staff resources.

We are concerned that there are still prohibited products displayed and even freely advertised. Your sharp eyes are many more in number and much more spread out geographically than ours. Let's work together.

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ☐

Indoor Air Quality

On January 21, 1992, in response to a requirement of the Public Employees Occupational Safety and Health Act (PEOSHA), the Department adopted Subchapter 11 of the Uniform Construction Code, the Indoor Air Quality Subcode. The IAQ regulations establish a dispute resolution process for indoor air quality complaints by public employees. They also adopt ASHRAE 62-89 (American Society of Heating, Refrigerating, and Cooling Engineers' technical standard on ventilation) as the yardstick for evaluating heating, ventilation, and air conditioning (HVAC) systems.

The IAQ regulations provide a complaint procedure. A complaint is submitted to the agency with the greatest expertise. If the complaint is building-related, the Department of Community Affairs investigates; if the complaint is health-related, the Department of Health investigates. The complaint should first be registered with the facility manager, but can be filed with the Department of Community Affairs or the Department of Health, as appropriate.

Following an initial investigation, each Department has the authority to require an engineering study at the building owner's expense. Remediation can result, but is not required in all situations.

The yardstick for evaluation is the latest technical standard published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). Because this standard, ASHRAE 62-89, includes ventilation rates and specifies maximum levels of air pollutants, it provides a reasonable technical framework for assessing indoor air quality complaints. It also provides a reasonable technical standard for retrofit of the existing HVAC system should that be required.

What is the role of the construction official in this process? Although construction officials have been involved with PEOSHA complaints, the Department will be handling all indoor air quality PEOSHA complaints. Upon receipt of the complaint, the PEOSH coordinator in this Department will begin the process of resolving it and establishing clear timeframes for response.

If you have questions about the complaint procedure, please contact John Gross, PEOSH Coordinator, at 609/530-8833.

Source: Emily Templeton
Code Development Unit ☐

Subtract it Out!

Although I'm writing this little article as a reminder about the preparation of the quarterly State Training Fee report, I also want to use it to convey a compliment to the steadily increasing number of construction officials and enforcing agency staff who get these reports in on time. You are aware of how important those returns are to the Construction Code Element, and we track them carefully. You are giving us more control over our own projections by getting them in to us on time, and we appreciate it.

This reminder is primarily to help you avoid getting "Money Due" delinquency letters for alleged underpayment in the check amount you send us.

The frequent cause of those letters is the inclusion of fee-exempt structures in your volume of new construction figure. When those structures are included, our computer program mindlessly, but ever so precisely, multiplies the reported volume by .0016 and cross-checks against the amount of the check sent. Since the figures *cannot* match, a delinquency letter is produced.

In the interest of preserving the forests, avoiding the receipt of unwarranted delinquency letters, and other worthy causes, please: Separate out the public/fee-exempt structures and note the additional volume separately and conspicuously on the report. For example, subtract "50,000 cubic feet—fee-exempt school addition."

Thanks!

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs ☐

R_x for Lead

The Interagency Task Force on Prevention of Lead Poisoning is sponsoring its 4th Annual Lead Poisoning Prevention Conference on Monday, May 4, 1992, on the Livingston Campus of Rutgers University. Workshops to be offered will include: new treatments for lead poisoning, the impact of the new Centers for Disease Control (CDC) Guidelines on local governments, abatement techniques, protecting workers, getting lead out of soil, and source reduction.

For more information or to register, please call 609/984-3351 or 908/246-2525.

Source: Amy Fenwick Frank
Division of Codes and Standards



New Jersey License Exams Are Valuable Outside of New Jersey, Too!

Many New Jersey license-holders may not be aware of an important fact about the NCPCCI examinations they take to become licensed; those examinations are part of a national program for certifying inspectors and plans examiners.

BOCA Certification: A National Program

What would be the advantage to a New Jersey license-holder of earning BOCA certification? Well, while perhaps not as mobile as some other professions, code inspectors do occasionally move to other states.

The same examinations taken in New Jersey for state licensure are used by the states of Virginia, Ohio, Michigan, Kentucky, Indiana, and in the broadest terms, by BOCA International. In all of these states BOCA certification will fulfill most or all of their requirements for certification/licensure/registration. Additionally, under an agreement between BOCA and the Southern Building Code Congress International (SBCCI) a BOCA certificate-holder can receive equivalent certification from SBCCI in nine inspection and plan review categories. SBCCI certification is required in several states in the South, including Florida.

One other benefit of BOCA certification is this: if you hold or earn CABO Building Official certification, your BOCA certification can be used to fulfill a portion of the certification maintenance requirements of the CABO program.

How to Get BOCA-Certified

This is, in fact, the easy part. The State of New Jersey requires specific exams—in addition to other requirements—for licensure in specific categories. While there is not total compatibility between New Jersey requirements and BOCA's, the differences are often minimal.

For example, an individual who holds a New Jersey Plumbing ICS license has already completed the exams required by DCA for licensure as a Plumbing Inspector (exams 5A and 5B), and can

become BOCA-certified by simply completing the registration form and submitting it to BOCA with the appropriate fee.

Another example would be the individual who holds a New Jersey Building Inspector ICS license, having completed examinations 1A, 1B, and 4A. By completing the 3B (Fire Protection General) exam, that individual fulfills the BOCA requirements for certification as a Building Inspector. Alternatively, by completing the 4B (Mechanical General) exam, this same individual qualifies to be BOCA-certified as a Mechanical Inspector.

There are a variety of other examples and combinations that require few or no additional examinations for New Jersey license-holders to become BOCA-certified. To get an overview of these requirements, candidates will need to review the BOCA Certification Program booklet. Anyone can obtain a complimentary copy of this booklet by contacting BOCA headquarters at 708/799-2300, extension 334.

The National Certification Program for Construction Code Inspectors (NCPCCI) began in the late 1970s as a consortium of states that shared a common interest in developing a series of valid and reliable test instruments to certify inspectors and plans examiners. While the list of participating states is somewhat smaller today than it was in the beginning, the fact remains that the candidate test scores are transferable between NCPCCI members. The transferability of the test scores is by arrangement through the NCPCCI Board of Governors, on which all of these parties are represented.

The NCPCCI—administered by Educational Testing Service in Princeton—gives over 8,000 tests annually at test centers around the country. The program currently offers 14 different examinations with the 15th (Mechanical Plan Review) under development.

Source: Terry Leppellere, PE
Manager, Training Services
BOCA International, Inc.



Note: Electrical Inspectors may be interested in a certification from IAIEI. The International Association of Electrical Inspectors provides a certification for each of the National Certification Test Programs for Electrical Inspectors. You must send a copy of your ETS score reports and \$10.00 for each certification requested to:

International Association of Electrical Inspectors
Certification Department
901 Waterfall Way, Suite 602
Richardson, TX 76080

Certifications Available	Test Required
Electrical 1 & 2 Family	Module 2A
Electrical General	Module 2B
Electrical Plan Review	Module 2C

Examinations	1 A	1 B	1 C	2 A	2 B	2 C	3 B	3 C	4 A	4 B	4 C	5 A	5 B	5 C	6 B	C A B O C B O	N F P A I	N F P A II
Certification Categories	Building 1&2 Family Dwelling	Building General	Building Plan Review	Electrical 1&2 Family Dwelling	Electrical General	Electrical Plan Review	Fire Protection General	Fire Protection Plan Review	Mechanical 1&2 Family Dwelling	Mechanical General	Mechanical* Plan Review	Plumbing 1&2 Family Dwelling	Plumbing General	Plumbing Plan Review	Elevator General			
Building Inspector																		
Building Plans Examiner																		
Electrical Inspector																		
Electrical Plans Examiner																		
1 & 2 Family Dwelling Electrical Inspector																		
Mechanical Inspector																		
Plumbing Inspector																		
Plumbing Plans Examiner																		
1 & 2 Family Dwelling Combination Inspector																		
1 & 2 Family Building Inspector																		
1 & 2 Family Mechanical Inspector																		
1 & 2 Family Plumbing Inspector																		
Mechanical Plans Examiner*																		
Elevator Inspector																		
Combination Commercial Inspector																		
Building Code Official																		
Electrical Code Official																		
Mechanical Code Official*																		
Plumbing Code Official																		
Master Code Official*																		
Fire Inspector																		
Senior Fire Inspector																		

*Available 1993

BOCA Certification Program Category/Exam Chart

BOCA / SBCCI
BOCA /
IAEI

BOCA CERTIFICATION PROGRAM

Smoke Detector Regulations in the Building Subcode

To eliminate the inconsistencies in the smoke detector requirements applicable to the dwelling units of Use Group R-3 and R-4, the Department has amended *N.J.A.C. 5:23-3.21(c)1.iv*, effective November 18, 1991. According to this amendment, Section R-215.1 of the *CABO One and Two Family Dwelling Code 1989* with 1990-91 amendments now requires installation of single- or multiple-station smoke detectors inside each bedroom, in addition to the smoke detectors required in the immediate vicinity of the bedrooms and in each story, including basements. Section R-215.1 has further been amended by adding references to Sections 1018.1 and 1018.6 of the Building Subcode, which require all smoke detectors to be approved, listed, installed, and tested in accordance with NFPA 74.

By adopting this change, the Department has established a uniform standard for smoke detector requirements in the Building Subcode and thus has attempted to clear the confusion created by different requirements established in the original text of the *BOCA National Building Code* and the *CABO One and Two Family Dwelling Code*.

Source: Ashok K. Mehta, Principal Engineer
Bureau of Technical Services



Which is My Line?

It's time to play "Which is My Line?", the game where knowledge is king and shared responsibilities can be a royal pain. As you are well aware, there are several areas where the plumbing inspector has some shared responsibility with other inspectors. Ready to test your knowledge of these areas?

Questions

- (10 points) When inspecting a building utilizing a septic system, the plumbing inspector is responsible for:
 - Everything up to the outlet of the septic tank.
 - The building drain—everything 3 feet outside of the building belongs to the health inspector.
 - Everything up to the connection to the septic tank—the tank itself and everything downstream is the responsibility of the health inspector.
 - Making sure no one uses the bathroom while the health inspector is performing the inspection.
- (5 points) When inspecting a building equipped with a private on-site water supply system, the plumbing inspector is responsible for:
 - Everything downstream of the main water supply valve required by section 10.12.2 of the National Standard Plumbing Code.
 - Everything downstream of the pump outlet.
 - Everything downstream of the water conditioner.
 - Bringing the doughnuts.

- (15 points) When a gas-fired high pressure boiler is installed, the plumbing inspector is responsible for:

- The boiler and all connected appurtenances.
- The flue connection to the boiler.
- Nothing.
- The gas and hydronic piping associated with the boiler, but not the boiler itself.

Answers

- According to the Department of Environmental Protection and Energy, the plumbing inspector is responsible for everything up to the connection to the septic tank. If you answered "C," award yourself 10 points. If you answered "D," you're wrong, but you're probably a swell guy; give yourself 1 point.
- According to bulletin 88-10, the main water supply control valve is the point. If you answered "A," give yourself 5 points. If you answered "D," I'd like to invite you to the next plumbing subcode committee meeting.
- "D" is the correct answer, according to 12:90 and 5:23-3.11A. The Department of Labor is responsible for the high pressure boiler; however, Labor is only concerned with the boiler itself. If you selected "D," give yourself 15 points.
- "A" is the correct answer. If you answered "A," give yourself 20 points. "B" and "C" are the Department of Labor's responsibility. "D" is the mark of a desperate man trying to meet a deadline for a newsletter article.

Scoring

Add up the points you earned from the four questions, and check your total score below:

- 50 Genius
 30-49 ... Good
 5-29 Fair
 0-4 Send your license to: Frank Salamandra, Licensing Unit, 10 Hopeless Lane, Desperate City, NJ 00000

Source: Michael Baier
Code Assistance Unit



Public Buildings and Permit Fees

There has been some confusion over the issue of payment of fees to a private on-site inspection agency for work in connection with school buildings or other public projects which, by law, are exempt from the permit fee requirement.

"No county, municipality, or any agency or instrumentality thereof shall be required to pay any municipal fee or charge including any surcharge or training fee imposed by any department or agency of State government in order to secure a construction permit for the erection or alteration of any public building or part thereof from the municipality wherein the building may be located." (*N.J.S.A. 52:27D-126c*)

Municipalities often choose to contract with private agencies to carry out the enforcement of one or more subcodes. A standard contract between the municipality and the inspection agency will provide that the agency is paid according to the State fee schedule in *N.J.A.C. 5:23-4.20*.

In the past, there has been some dispute over whether the issue of third-party payment could be a contractual matter between the municipality and the private agency. But the contractual offer by a private agency of not charging for fee-exempt project plan review and inspections is a financial incentive outside the scope of permitted selection criteria in *N.J.A.C. 5:23-4.5A(e)*.

Regulatory Affairs has been getting a number of telephone calls on this issue and the controversy should be put to rest. Third party inspection agencies *must* be compensated for work performed regardless of whether or not the municipality received payment from project/permit owners.

Please remember the one exception to the statutory exemption. The municipality *may* charge a fee for plan review in connection with a public school building, if the local board of education submits the plans and specifications for approval to the municipality pursuant to *N.J.S.A. 52:27D-130*. Normally, the plans in connection with a public school facility will be reviewed by the Bureau of Facility Planning Services in the Department of Education. If for any reason the local board of education chooses to submit the plans for review to the municipality, the municipality is allowed to charge a fee for doing the plan review.

I hope this information is helpful and will reduce the apparent confusion over payment to private agencies for work performed in connection with school buildings and other public projects. If further clarification is needed, please contact the Bureau of Regulatory Affairs at 609/530-8838.

Source: Urmil Deora, Esq.
Bureau of Regulatory Affairs

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Dedicated Fees—Update

A year has passed since municipalities were required to organize their UCC enforcing agency budgets in a dedicated format. *N.J.A.C. 5:23-4.17* requires that UCC fees must be appropriated under a dedicated budget or dedication by rider.

Since most municipalities have chosen the dedicated budget format, here are some facts concerning this method. A dedicated UCC budget represents a group of segregated revenue/appropriation accounts within the current fund. In this format, the rules do not require that anticipated revenues equal appropriations, but only that anticipated revenues may not exceed appropriations. This allows municipalities to subsidize the enforcing agency with general revenues. During the budget year, if actual UCC revenues do exceed appropriations, then the construction official must determine the cause and include recommendations for corrective action in the financial report required after the close of the budget year.

The dedication by rider format may be used in situations where the enforcing agency is self-supporting. The "rider" is a trust fund, separate from the current fund, and is established by governing body resolution. A surplus may be accumulated in the trust account for use as needed in future budget years. The municipality may use dedication by rider for that portion of the enforcing agency operation that funds the private inspection agency contracts, but stay with the dedicated budget format for the remainder of the agency operation. This may simplify payment procedures and improve compliance with encumbrance requirements.

The construction official, in consultation with the municipal finance officer, is required to prepare and submit to the governing body a report after the close of the budget year. The report is to detail the receipts and expenditures of the enforcing agency for the preceding fiscal year, and to give recommendations for a fee schedule/staffing needs based upon the operating expense of the agency.

Source: Henry Riccobene
Bureau of Regulatory Affairs

□

Minimum Fees

The *New Jersey Register* dated January 21, 1992, Volume 24, Number 2, contains a proposal to eliminate minimum fees from municipal and state fee schedules. Presently, the State charges a minimum permit fee of \$43 that covers all subcodes. On-site agencies are required to follow the State fee schedule, but municipalities usually charge minimum fees by subcode.

Historically, minimum fees were created to cover the cost of an inspector making a specific inspection. With the adoption of Dedicated Budgets in 1990, that argument is no longer valid. Municipalities should look at their budgets over a three- to five-year period—not whether they make or lose \$10 on a single inspection.

Many municipalities have taken the lead in this area, whether or not the State passes this proposed amendment. They feel it is right for code enforcement. At a recent inspectors' meeting, I was told that, "when we have to charge \$80-\$100 for an electric water heater inspection, we have covered the cost of that inspection, but we probably convinced five other people not to take out a permit because of what they consider to be excessive permit fees."

If these regulations are adopted, municipalities and the State will have one year from the adoption date to review their fees and amend their fee schedules, including the elimination of minimum fees.

To aid in more efficient inspections, the State is also considering mechanical inspectors, but that is another issue and another article.

Source: William Hartz, Chief
Bureau of Technical Services

□

Basement Drainage Trench

Many home builders have taken to the practice of installing "drainage trenches" around the inside perimeter of basement foundation walls in the hope that any water entering will drain into the trench and not onto the basement slab. This sounds like an excellent solution to potential basement water problems, but this practice also creates the potential for future foundation failure.

Basement foundation walls are usually designed as vertical beams supporting a load that increases with depth from top to bottom. For this beam to remain in place, it must have support at both ends. Support is provided by the attachment of the plate and joists to the top of the foundation wall and by the basement slab which abuts the foundation wall at the bottom. If one looks at the load distribution, it is easy to see that most of the load reaction goes to the bottom of the wall. If the slab does not abut the foundation wall to restrain movement, the only restraint provided to prevent the foundation wall from sliding on the footing is the mortar bond between the concrete footing and the foundation wall. This bond is very low and tentative at best. Under field conditions, with the possibility of mud, dirt, and sand that has not been cleaned away prior to the installation of the first course, one can hardly expect any bond to exist between the footing and the foundation wall. Consequently, unless special provisions, such as dowels from the footing into the masonry or shear keys are provided, the foundation wall will, as the soil compacts, develop a mortar shear failure at the base of the wall. The foundation wall will then slide on the footing until it contacts the slab. Since the drainage trench is usually 1 to 1-1/2 inches wide or more, it is likely that this amount of movement will crack a concrete block masonry wall.

Under these conditions, the trench, which was originally installed with good intentions, is the cause of an excessively cracked wall creating the potential for complete foundation failure. In order to prevent sliding of the foundation wall on the footing, if builders insist on installing the trench, they should install vertical reinforcing dowels from the footing into the masonry cores and grout them solid.

Since the major causes of moisture entering a foundation wall are failure to properly parge and dampproof the exterior, failure to properly compact the backfill, or failure to properly slope the grade away from the foundation, the need for such a trench is questionable. Given that the cost of either the shear key or dowels, along with the cost of the trench, far outweigh the additional cost to build a properly dampproof and backfilled masonry foundation wall, the better solution to the problem would be proper workmanship in dampproofing and backfilling. This being the case, the concrete slab can be constructed as is normally done, butting to the masonry to provide proper support for the bottom of the foundation wall.

Source: John J. Hare, AIA



Note: The preceding article was submitted by a registered architect for the *Construction Code Communicator*. Since it was submitted by an outside source, it was forwarded to the Bureau of

Homeowner Protection, Major Structural Defects Section, for review. That Bureau stated, "Our staff in the Major Structural Defects (MSD) Section of the New Home Warranty Program have reviewed the findings in Mr. Hare's report and concur with the cause of foundation wall failure and his recommendations to eliminate the problem. In a number of MSD inspections, we have found cases where the lower portion (7 to 8 courses) of the wall slid on the footing due to outside pressure and a lack of resistance from the floor slab due to the formed drainage ditch. The result is the upper wall (3 to 4 courses) anchored by the joist plate actually tilts out while the lower wall remains vertically level, creating a horizontal crack along most of the wall length. At a point near the side walls the stiffening of the side wall causes a stepped vertical crack at both ends.

"One underlying factor causing this condition is backfilling too soon before the mortar has fully set. Heavy equipment causes ground vibration and a break in the bond between the block and mortar."



New Jersey Register Adoptions

Date	Adoption
11/18/91	23 <i>NJR</i> 3444(b) Subcodes Adopted Amendments: <i>N.J.A.C.</i> 5:23-3.15 and 3.21, effective 11/18/91. 23 <i>NJR</i> 3445(a) Barrier-Free Subcode Enforcement, Adopted New Rule: <i>N.J.A.C.</i> 5:23-7.6A., effective 11/18/91.
12/16/91	23 <i>NJR</i> 3745(a) Radon Hazard Subcode Tier I Municipalities <i>N.J.A.C.</i> 5:23-10, Appendix 10-A.
1/21/92	24 <i>NJR</i> 229(c) Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, Adopted New Rule <i>N.J.A.C.</i> 5:23-11, effective 1/21/92.
2/3/92	24 <i>NJR</i> 404(b) Low Volume Water Closets, Products Violating the Code, Adopted Amendments: <i>N.J.A.C.</i> 5:23-3.8A and 3.15 effective 2/3/92. 24 <i>NJR</i> 405(a) Municipal Enforcing Agencies Uniform Construction Code Administrative Reports (UCCARS) Adopted Amendments <i>N.J.A.C.</i> 5:23-4.5 and 4.19, effective 2/3/92. 24 <i>NJR</i> 406(a) Revocation of Licenses and Alternative Sanctions Adopted Amendments: <i>N.J.A.C.</i> 5:23-5.25, effective 2/3/92.

Source: E. Maria Roth
Code Assistance Unit



Keeping Foundations Dry

There are some foundations which do not require either waterproofing or dampproofing, says BOCA section 1224.1. So, let's first see what types those are, and then deal with those that do need such protection. Projects in areas prone to flooding as identified on the Federal Emergency Management Agency map (BOCA section 2101.6) are not addressed in this discussion.

Neither waterproofing nor dampproofing is required for foundation walls which do not both retain earth and enclose interior spaces. But some floors below grade and foundation walls that retain earth still do not need such protection as long as they do not include use group I, R, or other occupancies that cannot tolerate dampness. This is true only where those same walls and floor would not be harmed by water. BOCA says we can also skip such protection in those dreadfully wet places where the groundwater table comes to within 6 inches of the grade around the building perimeter, and/or where the surface water will not readily drain from the site, *if* the bottom of any underfloor space is placed no lower than the proposed finished perimeter grade. When you think of it, this brings us right back to the "where required" section 1224.1, in which only walls and floors below grade ever need to be protected from water.

So, now we know by the process of elimination that we do have to waterproof or dampproof foundation walls and below-grade floors which enclose occupants to whom water and water vapor would be detrimental—always including use groups I and R, and also walls and floors which themselves "would be adversely affected" by subterranean water.

Next, let's distinguish the need for waterproofing from the need for dampproofing. The BOCA commentaries say waterproofing provides a higher degree of protection against vapor and actual liquid "even under conditions of significant water pressure," than does dampproofing. But where must you do which?

As soon as building portions descend below grade to enclose under-floor spaces, we either encounter hydrostatic pressure (when our building goes where the water really needs to go—the resistance you feel when trying to push an empty container into a bucket of water), or we don't. Only site-specific experience or an investigation will tell if there is hydrostatic pressure. When we do have it—waterproof. When we don't have it, dampproofing is sufficient.

Where waterproofing is required, the floor and foundation walls must resist those hydrostatic loads, in addition to the normal horizontal and vertical live and dead loads. Also, we saw earlier at section 1224.1.2 that, because we were down in a location where groundwater *could* rise to within 6 inches of surface level, an approved drainage system was required. This could be passive, as at section 1224.5.2 if a gravity disposal is available, or active (pumped), as at section 1224.2.1. The "how-to" of waterproofing walls and floors is contained in section 1224.4.

Where dampproofing is required, the basement floor must have either a 4-inch-thick base of gravel or crushed stone, or be in a place of naturally occurring, well-drained sandy or gravelly soils. In addition, either an active or a passive subsoil drainage system

must be installed in all cases, around the outside of the foundation wall (section 1224.5.2), which does not necessarily involve laying any pipes. The disposal of the water that has already been collected by perimeter drains can be left to sandy or gravelly soils only where these occur naturally, but usually must go to a dedicated, built drainage system. You'll find the "how-to" of dampproofing walls and floors in section 1224.3.

Judiciously applying these regulations can certainly avoid extensive and ongoing building damage and support an enjoyable occupancy.

Source: E. Maria Roth
Code Assistance Unit

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Who's on First?

Every year or so, I tear up a copy of the Construction Code Element's Municipal Tracking List into as many pieces as we have staff in the Bureau. ("Muni-tracking" is a list of staff in municipal code enforcement offices that we use heavily for telephone numbers, for names of construction officials and subcodes when we need to contact them, for mailing labels, etc.)

I give each person a "chunk" of pages with a note that says, "Please call and confirm or update staffing." They (unsmilingly) go through their lists, and we note the changes on our shared system with the Bureau of Technical Services Licensing Unit.

Sounds kind of silly, doesn't it? In reality (although a lot of the reactions we get are impatient), there are changes in a solid 50 percent of the municipalities we call, changes for which the Element never got notice.

The purpose of this article is to publish a formal request to working officials and their employers to *let the Element know* when there is a change of staff in the code enforcement office. A note to the Bureau of Technical Services at CN 816 (with a copy of the appropriate resolution or other action by the governing body) is the correct method.

If correspondence sent to you as construction official, for example, has the wrong name on it, you get *one* laugh at our expense. But if you don't communicate with us to correct the error, whose fault is it?

Guessing games get old quick, and it's annoying to get mail addressed to your "predecessor," isn't it? Thanks.

Source: Vivian Lopez, Esq., Chief
Bureau of Regulatory Affairs

□

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Department of Government Services at Rutgers, the State University. Editor: Hilary Bruce. Address changes, subscription requests, comments, and suggestions may be directed to the DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.

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Elevator Safety Unit609/530-8833

Industrialized Buildings Unit609/530-8837

Bureau of Regulatory Affairs—CN 816

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Investigations and Complaints Unit609/530-8862

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Bureau of Homeowner Protection—CN 805

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Planned Real Estate Development Unit609/530-5474

Builder Registration Unit609/530-8800

Claims Administration Unit609/530-6330

Private Warranty Plans Unit609/530-8785

Warranty/Claims Processing Unit609/530-6367

Landlord Tenant Unit609/530-5423

Compliance Unit609/530-6194

Continuing Care Unit609/530-5448

FRT Unit609/530-4878

Major Structural Defects Unit609/530-3627

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Volume 4 Number 2

Summer 1992

Hearing Rights for Code Officials

Watts v. North Caldwell, N.J. Sup. Ct., Ap. Div., A-6084-90T5, 2/27/92

On February 27, 1992, the New Jersey Superior Court's Appellate Division affirmed a lower court's decision that a code official appointed to a four-year term pursuant to *N.J.S. 52:27D-126b* must be granted notice and an opportunity for a hearing before being removed from office. The hearing must be "fair and impartial." There must be "just cause," that is, a good reason, for any removal.

The court found that the legislature provided for four-year terms in *N.J.S. 52:27D-126b* to provide officials with some protection from arbitrary interference or removal in the performance of their duties.

The court found reappointment after an initial four-year term to be tenure, and emphasized that even the initial four-year term is an appointment to which a person is entitled so long as he or she behaves well and performs his or her duties. In a note, the court said that discipline of officials who violate the Construction Code Act is a function of the State, not the municipality.

The court in this instance affirmed an order granting reinstatement, back pay, compensation and punitive damages, and attorney's fees under the federal civil rights law, 42 U.S.C. 1983, to a construction official who was summarily removed. It was doubtful, the court suggested, that municipal authorities were

unaware that the construction official was entitled to a hearing, because the official and his attorney demanded one and cited relevant legal authority to the municipality.

The *North Caldwell* case affirms construction officials' right to notice and a hearing prior to removal from office, and makes plain that removal must be "for cause." The case does not protect officials from ever being disciplined or removed; it does require that there be just cause for actions taken against officials and that there be notice and an opportunity for a fair hearing prior to removal from office.

Source: Chrystene Wyluda
Code Development Unit



If It Feels Wrong . . .

A peculiar thing happens when you go to work for a municipality. All your life you've been a private person, answering to your conscience, to your family, and, in a broader sense, to society in general, for your actions. This all moves up a giant step when you take public employment. You become a public official.

The transition is occasionally a difficult one. You must adjust to the fact that your activities are now open to public scrutiny and, occasionally, public criticism. Fairly or unfairly, the residents of your town watch your conduct and (as all of us are inclined to do) complain when something looks wrong.

N.J.A.C. 5:23-4.5(h) gives a definition of conflict of interest

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with which you are probably familiar, and you should know that the Department takes that section of the rules seriously indeed. There is an obvious reason for that, which doesn't merit repetition here. I would rather examine in this article just one of the reasons underlying the Department's adoption and enforcement of the UCC conflict of interest rule, that is, the fact that as a public official you are held to a higher standard of conduct than as a private individual. It is not my purpose, nor is it possible, to list every combination of circumstances that may open you up to public criticism and/or Departmental investigation. It is, however, my purpose to try and sensitize those of you who haven't yet absorbed it that whatever you do as a public official will be examined more stringently than the same actions performed as a private citizen.

An often-used phrase is "the appearance of impropriety." This may refer to something as simple as taking an assigned town vehicle to go get lunch. No problem, right? But if the sandwich place serves alcohol, and the town car is parked by the bar, and you're taking a late lunch, will anyone notice? Probably.

Suppose you need to add a new bathroom (new roof, new dormer, new front steps, new hot water heater, etc.) onto your own house in the town where you're an official. Do you review your own plans? No. Do you issue yourself a permit if you're the construction official? No. Do you inspect your own work, or the work you're paying for as a private citizen? No. *Question:* what do you do? *Answer:* ask an official from a neighboring town to come in for you, and let your superiors know. Write a note reflecting the arrangement and put a copy in your permit file. Most officials are willing to do this as a courtesy and the arrangement goes a long way toward avoiding unpleasant questions. If you did not get another inspector, would you be engaging in "construction-related activity for economic gain"? Probably not. But would it be improper? Clearly. Sometimes you can't find someone in a neighboring town to step in. If that happens, call Regulatory Affairs, and we'll try to help work it out.

Because I deal with these questions frequently, it sometimes startles me for a moment when an official with whom I'm talking does not realize the implications of his or her actions. It's often difficult to step outside yourself and look at what you're doing from a stranger's point of view. Must you change your lifestyle because you are a public official? No. Must you develop a "siege mentality" and be constantly on the defensive against "attack"? No. But, should you be conscious of your activities from a different perspective now that you are in a public forum? Yes.

Source: Vivian Lopez, Esq.
Chief, Bureau of Regulatory Affairs □

Legislative Notes

Extension of Permits

Senate Bill 417 of 1992 (S-417), "The Permit Extension Act," has been approved by both the New Jersey Senate and the Assembly. As written, S-417 would enable those holding other-

wise expired building permits dated from January 1989 to proceed with development, including building, as planned, without complying with any additional, subsequent requirements. "Building permits" in this context includes construction permits and all types of approvals and building-related permits from other authorities, such as DEPE wetlands, sewer extension, on-site wastewater disposal, stream encroachment permits; DOT highway access permits; planning and zoning permits, etc. Under S-417, permits would be valid until December 31, 1994.

Permit extension is an important issue for the code official, and we will make every effort to keep you informed of new developments in this area.

During the last week of May, Governor Jim Florio conditionally vetoed the Permit Extension Act. He urged the Senate to amend it so that construction would not be permitted in wetlands areas.

Site Development Standards

If approved, several bills currently before the New Jersey legislature would require the Commissioner of the Department of Community Affairs to appoint a board to draft statewide standards for the technical aspects of site development, such as streets, parking, storm drainage, and utilities. The standards would be based on a model ordinance developed several years ago by a group of engineering experts at Rutgers, the State University.

After review and comment, the standards would be published as rules. There would be an annual opportunity to propose revisions, as there is now with the construction code.

Code officials *per se* are not usually involved in site plan approval. The new uniform standards, however, would affect construction by reducing the number of unique requirements in different municipalities, thereby simplifying the review process.

Source: Chrystene Wyluda
Code Development Unit □

Using UCCARS

Many changes have been made to the UCCARS system over past few months. Some of these changes stand out dramatically, while others are more subtle. The individual changes and the significance of each will be discussed in this issue's column.

Before we get started, let's make sure that you are using the current version of UCCARS. If you are a System I user, the title screen that is displayed when UCCARS starts up should say 'Release 2.1x' (or some number greater than 2.1). For System II users, your release number should be '4.xx.' Should your version of UCCARS display an earlier release number, please contact us immediately.

Both System I and System II now contain all the functions that used to be referred to as System III. These include scheduling reporting, and historical retention of inspection requests and results; periodic reports of ongoing inspection that are due; and

racking of the status of all plans that have been submitted for review.

The following subcode and standard form revisions are implemented in the current UCCARS releases:

Square Footage—For both new construction and additions, the total square footage and volume are now required. Note that these figures pertain to the newly constructed structure or added portion of the structure only.

Industrialized Buildings—Check-off boxes are provided for premanufactured construction, and for indicating whether it is State Approved or HUD. Zeroes may now be entered for square footage and volume *only* if one of these boxes is checked.

Housing Units—There are now four separate entries on the permit entry screens:

Housing Units Gained: (1) for sale (2) for rent
Housing Units Lost: (3) for sale (4) for rent

The number of units before and after is no longer used.

Census Item Number—This is now a required entry for *all* permits; in the past it could be left blank under specific conditions. Internal checks have been added to help ensure conformance to Bureau of the Census publication C-404(B), and a special census item number, '999,' has been provided for use in Out-of-Scope situations as defined in that document (see related article: "Federal Census Items"). Permit Updates are automatically assigned the same census item number that is entered for the root permit.

Standard Form Revisions—All permit, subcode, and certificate screens, printed forms, and reports have been modified to reflect changes made to the Standard Forms. Of special significance are the Permit and Certificate Activity Reports which are now more complex to assemble manually, but still just as easy as ever to generate via UCCARS. Of special interest to System II users are the indicators 'HP,' 'KW,' and 'AMPS' that now appear next to each item on the Electrical Subcode screen.

Elevator Subcode—A fifth set of Subcode and Fee Schedule screens has been added to System II. Provisions have been made in System I for entering the elevator inspection and administrative fees.

Certificate of Compliance—Two new certificate types, the CC and the TCC, can now be printed and issued via System II. System I keeps a running count of all certificates issued, and a change has been implemented so you can keep track of all certificate types (including CO/TCO/CC/TCC) issued for a particular permit on the same screen.

Archiving Data—A method has been provided to copy old, closed-out permits to an archive tape and to remove them from your on-line database. You can look up archived data from the tape, but cannot modify it. If you plan to archive data, we recommend that you do it on a yearly cycle.

Source: Stan Kosciuk
President, Municipal Information Systems, Inc. □

UCCARS System I/III

Training began in April to bring all UCCARS System I municipalities onto System I/III. We have conducted 20 training programs throughout the state, training 142 municipalities. The municipalities received the program, training, and manual free of charge.

System I/III will now allow you to schedule and track all inspections; record and track all plan review from initial application through all resubmissions to final approval, and, finally, track all ongoing inspections, including elevators, cross-connections, backflow prevention devices, and sprinklers.

For whatever reason, several municipalities did not take advantage of this training program. At this time we do not plan any more live System I/III training, but we have videotaped the training program. If you have not been trained and want to receive the System I/III program, manual, and training video, please request so in writing to: DCA Education Unit, CN 816, Trenton, NJ 08625.

Source: William Hartz
Chief, Bureau of Technical Services □



Stan Kosciuk, President of Municipal Information Systems, conducts the first System I/III training program.

Warranty Stories

As many of you know, new home warranties are applicable to modular homes, and, with the exception of the so-called HUD/FHA sealed homes (technically, homes built in accordance with the Federal Mobile Home Construction and Safety Standards Act), the warranty requirement must be satisfied prior to issuance of a Certificate of Occupancy. This is true, however, only when one of the participants in the transaction acts in the role of a new home builder. A new home builder is one who is responsible for the complete package.

As a practical matter, modular homes built for the purpose of sale by an owner will always require that the owner/seller give a warranty to the purchaser. The case where a landowner decides to have a house built to occupy as a primary or secondary residence is the one which presents the problem. Essentially, if the landowner contracts with a modular home dealer for the foundation and the modular components, the dealer is acting as a general contractor and must provide a new home warranty.

(continued on page 4)

Consider, on the other hand, that often the landowner contracts for the foundation independent (meaning contracting directly with separate contractors/vendors) of the purchase of the modular unit. In this case, the landowner is acting as his or her own builder, and a warranty is not applicable.

Recognizing that real situations are never this simple, I am available at 609/530-6183. Call if you have a good one. And remember to get the affidavit signed.

Source: Peter Desch
Chief, Bureau of Homeowner Protection ☐

A "DOs and DON'Ts" List

Some construction officials, in an effort to be helpful to homeowners applying for building permits, have developed their own guidelines for permit applications. These guidelines are often checklists of various requirements. The development of such guidelines is good public relations; however, caution should be exercised when developing and distributing them.

For example, a good practice is to *avoid the use of drawings and sketches*. Sketches and drawings are dangerous for two reasons. One, they often become the method that the homeowner thinks he or she *must* use; no longer are they just guidelines. Homeowners use them as if they were plans. Their rationale is, why should I deviate from this sketch when I know this is what the code official will accept? The second reason is closely related to the first: if such sketches are used as more than guidelines, they can be construed as design. Code officials are neither responsible for, nor qualified to practice, building design.

Another good practice is to *make any guidelines general in nature*. Referring to specific code requirements will require endless updating of the guidelines. Take for example, smoke detectors. Over the past few years, smoke detector requirements for newly constructed, single-family dwellings have evolved from a single, battery-operated detector, to hardwired detectors on each level, to hardwired detectors with battery back-up on each level and in all bedrooms. Rather than list these specific requirements, the guidelines can simply state "indicate location and power source of detectors," and cover these as well as future changes.

In addition to helping make the guidelines more flexible, general rules also help you to avoid technical inaccuracies in your checklist. For example, stating that homeowners must provide R-13 insulation in the walls and R-30 insulation in the ceiling is simply not correct. First of all, the amount of insulation is dependent on the amount of glazing, spacing of members, etc., and second, the Energy Code allows for under-insulation of one component if another component is over-insulated. (e.g., under-insulation of walls is allowable if ceiling is over-insulated to compensate).

A good approach is to *prepare a "Dos and Don'ts" list for the homeowner*; and remember to *identify the scope of your checklist*. For example:

Permit Application Requirements for Single-Family Detached Dwelling (R-3 & R-4) The "DOs and DON'Ts"

–Do provide a site plan showing location of dwelling in relation to lot lines.

–Do provide plans showing front, rear, and side elevations, foundation plans, floor plans.

–Do include structural framing notes and a loading schedule, indicating live loads.

–Don't forget to provide the following details: (etc.)

I certainly do not want to develop a State-"approved" checklist here. However, if you properly identify the scope of your checklist, avoid the use of drawings and sketches, and base your checklist on general rather than specific requirements, I'm sure that you will end up with a checklist that will provide good public relations and will not cause any conflicts with the regulations.

P.S. You may want to look at N.J.A.C. 5:23-9.2, "Interpretation: Construction Permit for a Single-Family Residence" when developing your list.

Source: Michael Baier
Code Specialist, Code Assistance Unit ☐

Means of Egress Lighting and Barrier Free Access

When plans are submitted to make existing buildings comply with Barrier Free Access (or ADA provisions), building subcode officials sometimes overlook the requirement for proper illumination of means of egress and exit discharge. The building subcode, under Section 823.0 of *The BOCA National Building Code/1990 with 1991 Supplement*, establishes the intensity of illumination required for exit discharge and means of egress.

The plan review and construction inspection functions in Article 8 of the building subcode are the exclusive responsibility of the building subcode official. Accordingly, building subcode officials are advised to take a careful look at the plans to ensure that proper intensity of illumination (meeting the requirements of Section 823.0) is provided for the proposed construction for barrier free access, such as ramps, etc. In case the existing intensity of illumination is found to be inadequate, the building subcode official must inform the owner, and advise him or her to submit to the electrical subcode official electrical plans for augmenting the intensity of illumination.

Sources: Richard Marshall
Victor V. Timpanaro
M.E.I.A. New Jersey ☐

Carnival Wiring

In the past, there has been some confusion among code enforcement authorities regarding the inspection responsibility for the electrical works in carnivals which travel around the State, setting up temporarily at different locations. The Uniform Construction Code under Section *N.J.A.C. 5:23-3.11A(b)1* identifies the New Jersey Department of Labor (NJDOLE) as the sole enforcing agency for amusement rides, pursuant to the Carnival-Amusement Rides Safety Act (*N.J.S.A. 5:3-31 et seq.*)

A common misconception is that all electrical work in carnivals, except for service connections, is regulated by NJDOLE under the Carnival-Amusement Rides Safety Act. This, however, is not true, and to clear up the misconception, the Electrical Subcode Committee discussed the subject at several meetings. Based on the scope of the Carnival-Amusement Rides regulations (*N.J.A.C. 12:195*) and the scope of the electrical subcode under Section 90-2(a)(1) of the *National Electrical Code 1990*, the Committee confirmed that all electrical work in the carnival, *except for the wiring and associated equipment on the ride itself, including the grounding of the rides and of the generating system, if any, as covered under N.J.A.C. 12:195-3.10*, shall be under the jurisdiction of the local enforcing agency.

Accordingly, it is the responsibility of the local enforcing agency to ensure that all electrical work in the carnival, *except on or of the ride*, is safe and conforms to the regulations of the New Jersey Uniform Construction Code. If, in the course of inspection, any visible violation of the electrical subcode or potential safety hazard is noticed on the ride, electrical subcode officials are advised to immediately notify the Office of Safety Compliance, NJDOLE, at 609/292-2098.

Source: Ashok K. Mehta
Principal Engineer, Code Assistance Unit ☐

No Transcripts

For the first time, inspectors will not receive transcripts at the conclusion of this semester. Don't panic—our new computer program enables us to bring our inspectors up-to-date at the stroke of a key. We can tell them when their licenses expire, what seminars they have taken, and what they need to take in order to meet their educational requirements.

It is still important for you to keep the certificates of completion that you receive at each seminar: these are *your* only proof that you attended a seminar. We recommend that you keep them in a binder for quick reference.

If you have any questions regarding educational issues, please call 609/530-8798.

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

Foundation Requirements

Builders, developers, architects, and engineers should be reminded about their responsibilities when filing permit documents, particularly for the building foundation. *The BOCA National Building Code/1990* Section 1201.1 requires all applications for permits for the construction of new buildings or structures to be accompanied by a statement describing the soil in the Ultimate Bearing Strata, including sufficient records and data to establish its character, nature, and load-bearing capacity. Such records must be certified by a licensed professional engineer or a licensed architect pursuant to the New Jersey Building Design Services Act and *N.J.A.C. 5:23-2.15(e)1(vi)* and (vii).

Additionally, *The BOCA National Building Code/1990* Section 1224.2 requires the owner or applicant to provide a groundwater table investigation or provide waterproofing or floodproofing for both basement slab and foundation walls. This section provides one more option: satisfactory data from adjacent areas which demonstrate that groundwater *has not* been a problem, certified as above, is acceptable.

Source: Ronald E. Estep
Construction Official, Hillsborough Township ☐

Federal Census Items

Recently, construction officials received an information bulletin, C-404(B), on the Federal Census. This article is meant to clarify a few points.

The first point is to more clearly define "out-of-scope work" (O/S). This work may include a vast array of things. Commonly, roofing and siding, asbestos removal, boilers, elevators and escalators, fireplaces, and HVAC equipment are considered to be out-of-scope work, as are installations, such as plumbing, electrical, and mechanical work. Always check the classification of construction to verify.

Second, if you are using UCCARS, a new number (999) has been provided for out-of-scope work. All entries to the program must have a number. Updates will automatically have the original census item number entered. Be sure to check those items that require no census number. In UCCARS, they will all be out-of-scope. Another new feature is that your Federal Census Report will now show the names of your municipality and county.

The third point is geared toward those who are doing manual reports. On your permit and certificate logs you should enter O/S under "census number" for all out-of-scope-work. It is not included in your Federal Census report, but it will be included on your Municipal Activity Reports for permits and certificates.

I hope this new information will be helpful to you.

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

11th Annual Building Safety Conference

The Building Safety Conference seems to keep getting better and better! Maybe we all have short memories, but most of those attending the 1992 conference on April 8-10 felt we had the best yet.

On Wednesday, April 8, nearly 300 inspectors attended the Crackerbarrel roundtable discussion session. There were 35 tables from which inspectors could choose to attend according to which topics interested them. They were then able to participate in the discussions and get answers to any specific questions related to the topic.

On Thursday and Friday, April 9-10, the 600 inspectors present had the opportunity to attend two of the 24 seminars being offered.

As always, the highlight of the conference was the Inspector of the Year Luncheon. This year, Charles M. Decker, Assistant Director of the Construction Code Element, and the four state associations presented the Inspector of the Year awards. The recipients of these awards were:

Building Inspector: Robert Mittermaier

Electrical Inspector: Robert McCullough

Fire Protection Inspector: Gary Lewis

Plumbing Inspector: Samuel DePadova

Congratulations to all four for their professional accomplishment and outstanding achievement.

1993 Building Safety Conference

The 12th Annual Building Safety Conference of New Jersey will be held at the Taj Mahal Casino Resort on May 5-7, 1993. Room rates for next year's conference will be \$85.00 per night, and we anticipate the registration fee to be about \$45.00. Of the inspectors who responded to this year's conference evaluations, nearly a 3-to-1 majority indicated a preference for returning to the Taj Mahal.

Source: William Hartz
Chief, Bureau of Technical Services



Clockwise from bottom left: Robert Mittermaier, Building Inspector of the Year, and Russell Lindsay, President of the Building Officials Association of New Jersey; Robert McCullough, Electrical Inspector of the Year, and Richard Marshall, President of the Municipal Electrical Inspectors Association of New Jersey; Gary Lewis, Fire Protection Inspector of the Year, William Schultz, President of the Fire Prevention and Protection Association of New Jersey; Samuel DePadova, Plumbing Inspector of the Year, and Daniel Danyanovitch, President of the New Jersey State Plumbing Inspectors Association.





Vivian Lopez, Chief of the Bureau of Regulatory Affairs, and William Hartz, Chief of the Bureau of Technical Services, standing by the FEMA Sprinkler Demonstration Trailer.

Residential Sprinkler Demonstration

On Thursday, April 9, 1992, the FEMA Sprinkler Demonstration Trailer went to work at the Building Safety Conference. For those who have not seen the demonstration, I'll provide a brief description.

The trailer has a place for two people to sit inside while the fire is set. Vivian Lopez, Chief of the Bureau of Regulatory Affairs, and I were selected for that honor. The fire starts in a wastepaper basket, spreads up a curtain to the ceiling, and then, one residential sprinkler head is activated.

The clock started when the match was struck. By the time the flames were 8 feet high and had reached the ceiling, a total of 22 seconds had elapsed. The residential sprinkler head activated and the fire was out. The clock was stopped; a total of 25 seconds had elapsed from the strike of the match to the extinguishment of the fire. This was a very impressive demonstration, especially from *inside* the trailer.

I would like to thank the following people for making the demonstration possible.

Code official Lew Ford and code inspector Billy Knickerbocker from Chenango County, New York, for bringing the FEMA trailer to the conference and performing the demonstration.

Ken Lehn, Regional Manager of the National Fire Sprinkler Association, and William Schultz, President of the Fire Prevention and Protection Association, for arranging the demonstration.

And finally, Chief Benjamin Brenner and Chief Fire Inspector Joseph Goukler and the Atlantic City Fire Department, for letting us start a fire in the parking lot of the Taj Mahal.

Source: William Hartz
Chief, Bureau of Technical Services □

Building Safety Week Observed in City of Linden

We in New Jersey often think of Building Safety Week as a lot of training seminars in Atlantic City and the Inspector of the Year awards, but there is a lot more to it than that. The City of Linden recently observed Building Safety Week the way it was meant to be.

Construction Official Thomas Caverly and Mayor John T. Gregorio worked together to inform the public of the importance of construction code enforcement to their health, safety and welfare. A large banner stating "Linden Celebrates Building Safety Week" hung in front of City Hall; Mayor Gregorio issued a proclamation; the local newspaper ran an article on the importance of construction codes and their enforcement, and the code enforcement office handed out material on building codes, building permits, and their own booklet on the permit process.

Remember—"Building Safety is No Accident." Code officials must do their jobs, but for the system to work, the public must understand the importance of the permit and inspection process.

Source: William Hartz
Chief, Bureau of Technical Services □

Old Standard Forms

At this point I'm sure most municipalities realize that many of the standard forms have been changed. Many of these changes were made necessary by the adoption of the elevator subcode. The new forms become effective July 1, 1992, and all municipalities should already have received their copies of the new mechanicals.

What do you do with the old forms you have left? Use them! With the exception of the permit and certificate logs and monthly activity reports, the changes are not drastic. We do not expect any municipality to throw forms and money away. You may use your existing forms up to, but not beyond, December 31, 1992. For example, if you are issuing a permit after July 1, 1992, that involves an elevator, use the new permit form F170C and the placard F180B. But, if it is an electrical permit only, use the old forms F170A and F180A. As your stock of existing forms becomes depleted, of course, order only the revised forms.

Source: William Hartz
Chief, Bureau of Technical Services □

FRT Plywood Roof Sheathing

During the 1980s fire retardant treated (FRT) plywood roof sheathing was widely used in roofs for townhouses and condominium complexes. This plywood was used because of its ability to hinder the progress of fire.

Recently, it was discovered that solar heat, which intensifies in attics, causes the chemicals in FRT plywood roof sheathing to attack and weaken the structure of the plywood, causing its deterioration and possible failure. Ironically, the plywood is being destroyed by the very chemicals that were designed to protect the roof in the event of fire.

Because of the possible FRT deterioration and failure, Governor Florio signed into law PL 1991, c.202. This law establishes a procedure for funding correction of defective FRT plywood roof sheathing, regardless of the warranty plans in which the homes are enrolled and in effect during the ten-year life of the warranty coverage in accordance with chapter 25 of the New Home Warranty and Builder's Registration Act. This act became effective October 10, 1991. Regulations (*N.J.A.C. 5:25A-1 et seq.*) implementing the law will be adopted shortly.

Application packages detailing what information is required to file a claim are available to homeowners, groups of homeowners, community associations, builders, and warranty guarantors. When an application is completed, an appointment is scheduled for FRT plywood roof sheathing inspection. A roof inspected and classified as failure, in accordance with *N.J.A.C. 5:25A-2.5*, is funded for repair. *N.J.A.C. 5:25A-2.7* requires a building permit for remediation, to comply with the New Jersey Uniform Construction Code (*N.J.A.C. 5:23*).

For information and applications, contact the FRT Unit of New Home Warranty program at 609/530-4878, Monday through Friday, between 9:00 A.M. and 5:00 P.M.

Source: Salvatore Melillo
Supervisor, FRT Unit
Bureau of Homeowner Protection

□

Handrails: Send Us Your Samples

By the time this article is printed, construction officials either will have received, or will be about to receive, a bulletin concerning the "equivalent graspability" of handrails.

The *BOCA National Building Code/1990* in Section 825.2.4 allows only handrails of certain shapes to be installed where functional rails are required by code; however, rails of "equivalent graspability" are to be accepted.

The Department-approved bulletin advises you, in essence, to roll up your shirtsleeves, invite applicants to bring samples of handrails into the office, and test them out by grasping them.

While national researchers have already tested some common sizes and shapes and come to their conclusions, the Department and the Code Advisory Board encourage officials themselves to do some research by trying out different rail shapes. We purposely are not yet sending pictures of rails which other researchers have branded "good" or "no good" because we think all rail shapes, by all manufacturers, should be given a try. Applicants should be asked for a 4"-6" length sample (not a 1/8" cross-sectional cut) so that one can try gripping the handrail.

National researchers have based their conclusions on an average adult male hand, so it is a continuing concern that rails used primarily by small children may need to be smaller in overall diameter. Handrails already tested by national researchers have tended to be very simple shapes, and we are interested in the results of graspability trials for more unusual handrails which may have grooves, notches, patterns, or other features which allow a good grasp despite an otherwise large overall diameter.

Please send samples and/or results of your trials to the Department, addressed to: Chrys Wyluda, Department of Community Affairs, Construction Code Element, CN 816, Trenton, NJ 08625-0816.

If we receive a significant number of useful examples, we hope to compile a chart of some unusual but acceptable shapes to provide guidance and uniformity among municipalities.

Source: Chrys Wyluda
Code Development Unit

□

Certificate of Approval

The Certificate of Approval is a very useful tool for the code enforcement office. It is also very misunderstood. In the recent subscription service transmittal you received, there are two items that should help clear up any confusion.

Under definitions in *N.J.A.C. 5:23-1.4*, a Certificate of Approval means a certificate issued pursuant to *N.J.A.C. 5:23-2* upon completion of work that requires a construction permit but not a certificate of occupancy. *N.J.A.C. 5:23-2.8*, Installation of Equipment, gives several general examples and concludes by stating it shall be unlawful to use such equipment until a certificate of occupancy, certificate of approval, or certificate of compliance, as appropriate, has been issued.

For every permit issued stating that work may begin, there is now a certificate stating the work has been successfully completed. This system is beneficial to *both* the permit holder, who has paid for the inspections and now has documentation that the work was successfully completed, and the municipality, which has a useful tool to close out all open permits.

Source: William Hartz
Chief, Bureau of Technical Services

□

Interior Finish Requirements

In an unsprinklered single-family home of Use Group R-3, a prefinished wall panel comprised of wood fiberboard and jute fabric has been installed. The panel is reported as a single thickness of woven fabric wall covering bonded directly to a listed wood fiber substrate. The standard product had been tested and assigned a Class III flame-spread rating. The question is, which of the following *BOCA National Building Code/1990* sections will apply to this product—Section 922.5 Interior Finish, or Section 922.7 Textile Wall Coverings?

If we conducted a survey, the opinion of the code enforcing agencies would, perhaps, be divided fifty-fifty. This lack of agreement is no cause for concern, though, since even BOCA staff has given conflicting interpretations! In the first shot, BOCA was in favor of enforcing Section 922.7, treating the product as a textile wall covering based on its woven surface appearance. And, because flame-spread tests according to ASTM E84 may not reliably predict the fire behavior of textile wall coverings, BOCA recommended that this product be required to meet at least one of the following two "acceptance criteria" of Section 922.7:

- The product must be tested by an approved testing agency for Class I flame-spread rating, and it must be used in a room or area protected by an approved fire suppression system.

- The product must be tested in accordance with the room/corner fire test procedure.

Obviously, the product was rejected under Section 922.7 as it failed to meet either one of the above requirements.

Sometime later, BOCA had a second thought. They *accepted* the product under Section 922.5, for use in the one- and two-family dwelling of Use Group R-3, based on the following considerations:

- The product is installed in the field as a prefinished material and should be evaluated as an interior finish.

- It has the required Class III flame-spread rating.

It is interesting to note here how divergent or difficult the code enforcement decision can be at times! Let's work together to make it more uniform and less painful.

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit



Preparing for 1992

The 1992 supplements to the BOCA and NSPC codes have not yet been adopted. We are printing the following two articles, "What's New in '92" and "Seismic Design Provisions in BOCA's 1992 Supplement" to give you advance information on these

supplements. But remember—as of this date, these supplements have *not* been adopted in New Jersey.

What's New in '92

It's that time of year again. That's right, it's supplement time. Just when you thought you had all the regulations down pat, it's time to change them. Here is a brief rundown of some of the more significant changes in the 1992 supplement to the 1990 *National Standard Plumbing Code*.

Definitions—Just when we were all sure what a public fixture, private fixture, and public toilet room were, they've changed the definitions. Now we have:

Plumbing fixture—private use: A fixture in a residence or a fixture in some other use that serves 5 or fewer people.

Plumbing fixture—general use: essentially, any fixture that doesn't fall under the definition of private use.

Public toilet room: A toilet room that serves the transient public, such as a toilet room in a library, train station, etc.

Interceptors—Section 6.3.1 subsection b recognizes that an above-ground tank can be used to store the run-off from an oil interceptor.

Table 7.24.1—There's no surprise that this section has been changed; it seems to change every year. What is surprising is that the code finally tells you where to get the occupant load used to determine the required number of fixtures. The table now states that if egress numbers are provided, two-thirds of that number should be used when applying the table.

Mixed water temperature control—The *National Standard Plumbing Code* finally bit the bullet, almost. Many code bodies have already started to require thermostatic or pressure balance mixing valves in single family dwelling units, and in the 1992 supplement the NSPC took a giant step in this direction. The code basically gives you two options provide the anti-scald valve or size the water distribution system at 4 feet per second.

Appendix D—Water conservation—It seems we can finally stop fighting about where self-closing faucets are required. In the 1992 supplement, the code calls for self-closing or self-metering faucets only on those lavatories that serve the transient public.

If you don't already have a copy of the '92 Supplement, it is available from the National Association of Plumbing-Heating-Cooling Contractors, P.O. Box 6808, Falls Church, VA 22040.

Source: Michael Baier
Code Specialist, Code Assistance Unit



Seismic Design Provisions in BOCA's 1992 Supplement

The seismic design provisions in BOCA's 1992 Supplement are new and comprehensive. These are based on NEHRP (National Earthquake Hazard Reduction Program) recommendations. The NEHRP provisions are developed by the BSSC (Building Seismic Safety Council) with funding from FEMA (Federal Emergency Management Agency). Eleven BSSC technical committees keep the NEHRP provisions updated. These provisions are aimed at nationwide improvements in seismic design.

Following are the highlights of the new seismic design provisions:

- Design and construction requirements are a function of Seismic Performance Categories (A to E, representing minimum to maximum seismicity) rather than seismic zones. The Seismic Performance Category classification includes consideration of the seismicity of the site and the nature of the building occupancy. Buildings, classified by necessity and occupancy, are divided into three hazard exposure classifications (Group I, II, and III).

- The seismic risk map consists of contour lines of ground acceleration coefficients. The concept of seismic zones has been deleted, and thus is not reflected on the new maps.

- Generally, buildings sited where the design ground acceleration is greater than 5 percent of gravity are required to be constructed for earthquake effects. This includes geographical areas which, in the past, have been considered to be in Zone 1, in addition to areas of higher seismicity.

- The design of steel, concrete, and masonry seismic-resisting systems is based on the ultimate strength or factored allowable stress method, rather than on working stress.

- Seismic-resisting system ductility provisions (i.e., structural system detailing requirements) are included. The detailing requirements replace the concept of increasing the seismic design loads for certain buildings in the same area with an occupancy "importance" factor.

- Design requirements for mechanical, electrical, and architectural building components and systems have been expanded and clarified.

In some instances, special inspection may be required for field construction items which are critical to the seismic performance of the building. Applicability of the new code provisions in existing buildings undergoing additions has been further clarified.

UCC regulation *N.J.A.C. 5:23-9.4* divides New Jersey into seismic zones I and II and provides peak effective velocity-related acceleration values (A_v) by county. These requirements will not conflict with the new seismic provisions. Although seismic design of buildings will no longer be based on zones, seismic hazard exposure group matched with the effective peak velocity related acceleration values will provide a sound basis for an adequate degree of seismic design protection. For New Jersey counties, we will continue to use the same A_v values as adopted under *N.J.A.C. 5:23-9.4*, and no interpolations will be required.

Initially, it may be difficult to identify the right formula in the code book for calculation of seismic forces. Nevertheless, a careful, step-by-step reading of the code will help you figure out which formulas to use for a specific design and for code compliance. Attending one of BOCA's workshops on the use and application of the seismic design requirements may be of great help, too.

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit



Congratulations

The Department congratulates BOCA Chapter 51, the Code Officials Association of Central New Jersey, for being named the Chapter of the Year. Chapter officers are President Ronald E. Estep, Hillsborough Township; Vice President Paul D. Leary, Jr., Pemberton Township; Secretary Thomas Johnson, South Brunswick Township; Treasurer Donald Turner, Lawrence Township; and Immediate Past President Thomas Millar, West Windsor Township.

The award entitles the chapter to two seminars offered by BOCA. They have selected "Special Inspections" on September 9, 1992, and "Residential Mechanical Inspections" on October 14, 1992. Both seminars will be held at the Princeton Ramada Hotel on U.S. Route 1 in South Brunswick Township.

If space permits, Chapter 51 will open the seminars to the BOANJ membership. CEUs will be awarded. Please contact Thomas Johnson, Township of South Brunswick, at 908/329-4052, extension 341.

Congratulations to the officers and their membership!

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



Master Plumber's License: Interpretation Update

We Gave You the Right Advice!

You may recall an article on the Master Plumber's License by Michael Baier which appeared in an earlier edition of the *Communicator* (Vol. 2, No. 1, Spring 1990). The article explained that, pursuant to a legal opinion by the State Attorney General, "... code officials cannot require that those people applying for a permit to perform plumbing work outside a building have a Master Plumber's License ..." with the exception of the installation of backflow prevention devices and the capping of water and sewer lines.

On April 30, 1992, the Appellate Division of the New Jersey Superior Court affirmed the Attorney General's opinion letter

following a lawsuit and an appeal by the Mechanical Contractors Association of New Jersey. This means that our 1990 advice to you is still right: a Master Plumber's License *cannot* be required for work outside a building, with the two exceptions mentioned above. The court agreed with the Attorney General's opinion that to restrict work outside a building would be unconstitutional in New Jersey, and the court agreed that the Attorney General had the power to make this decision.

Source: Chrystene Wyluda
Code Development Unit



New Jersey Register Adoptions

Date	Adoption
4/6/92	24 <i>NJR</i> 1397(a) Building Subcode; Elevator Safety Subcode Adopted Amendments: <i>N.J.A.C.</i> 5:23-2.23, 3.4, 3.11, 4.20, 4.24, 12.4, 12.5, and 12.6, effective 4/6/92. 24 <i>NJR</i> 1399(a) Enforcing Agencies Municipal Enforcing Agency Fees Adopted Amendment: 5:23-4.17, effective 4/6/92.
4/20/92	24 <i>NJR</i> 1475(b) Mechanical Subcode; Indoor Air Quality Subcode Adopted Amendments: <i>N.J.A.C.</i> 5:23-1.1, 3.4, 3.11, and 3.20. Adopted New Rule: <i>N.J.A.C.</i> 5:23-3.20A, effective 4/20/92.
5/18/92	24 <i>NJR</i> 1879(a) One and Two Family Dwelling Subcode Adopted Amendments <i>N.J.A.C.</i> 5:23-3.21, effective 5/18/92. 24 <i>NJR</i> 1879(b) Notice of Administrative Correction Uniform Construction Code Fees <i>N.J.A.C.</i> 5:23-4.20. 24 <i>NJR</i> 1907(a) Notice of Code Change Proposal Hearing: Friday, July 31, 1992, 9:30 A.M., Bldg. 3, 3131 Princeton Pike, Lawrenceville, NJ.
6/1/92	24 <i>NJR</i> 2052(a) Municipal Enforcing Agencies Adopted Amendments <i>N.J.A.C.</i> 5:23-2.14, 4.5, 4.18, 4.20, and 9.5, operative 7/1/92.

Source: E. Maria Roth
Code Assistance Unit



Another Commercial Farm Building

As many officials know, the Uniform Construction Code (UCC) has contained special provisions for "commercial farm buildings" at *N.J.A.C.* 5:23-3.2(d) since 1988. These are certain exemptions and special requirements for farm buildings, usually large in volume, but with little or no human occupancy, and contents of low flammability.

On May 26, 1992, pursuant to P.L. 1992 C. 12, state law declared that a certain type of greenhouse is a commercial farm building. This is "a greenhouse constructed in conjunction with the odor control bio-filter of a solid waste or sludge composting facility, which greenhouse produces not less than \$2500 worth of agricultural or horticultural products in addition to its function as a cover for the bio-filter, shall be considered a commercial farm building for the purposes of this act, provided, however, that the greenhouse is not intended for human occupancy."

Source: Chrystene Wyluda
Code Development Unit



Permit Coordination Courses

The State Commerce Department's Office of Business Advocacy will offer a course teaching the fundamentals of obtaining construction-related permits through state regulatory agencies. The course will be offered at Middlesex County College in Edison on Monday evenings, 4:00-6:00 P.M., from September 14 through November 16. Tuition is \$150. For space reservation and further details, contact Program Coordinator Sheryl Worth at 609/292-0700.



Correction

In the last issue of the newsletter (Volume 4, Number 1 Spring 1992) an article appeared on page 3 concerning low volume water closets. The article stated that water closets in uses A, B, E, and M needed to be pressure-type (flushometer tank or flushometer valve) fixtures. The article neglected to mention the exception to this requirement: for use groups A, B, E, and M buildings requiring only one water closet per sex, gravity type fixtures are allowed.

The *Construction Code Communicator* is published quarterly by the New Jersey Department of Community Affairs and the Center for Government Services at Rutgers, The State University. Editor: Hilary Bruce. Address changes, subscription requests, comments, and suggestions may be directed to the DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.

Construction Code Communicator

State of New Jersey
Jim Florio, Governor

Volume 4 Number 3



Department of Community Affairs
Stephanie R. Bush, Commissioner

Fall 1992

The Permit Extension Act

All construction officials should have received a letter from the Assistant Director of the Construction Code Element, Charles M. Decker, concerning the "Permit Extension Act," P.L. 1992, c. 82. This act, signed into law by Governor Florio on August 7, 1992, provides that many types of permits and approvals, including those granted under the State Uniform Construction Code Act (UCC), which either have expired or are due to expire during the period from January 1, 1989 to December 31, 1994 are to be extended to December 31, 1994.

This means that some permits for building planned under previous editions of our UCC subcodes will require review and inspection under those earlier subcodes. Also, questions may arise concerning whether permits which constitute prior approvals are to be extended (DEPE and DOT permits, etc.).

Permits and approvals specifically mentioned in the Act include:

1. Soil erosion and sediment control plan approval
2. Waterfront development permit
3. Wetlands permit, with some exceptions for certain areas of "exceptional value" and certain transitional areas
4. Delaware River Canal Commission permit
5. HMDC permit
6. Pinelands permit, with some exceptions
7. CAFRA permit

8. Department of Transportation permit
9. Sewerage authority approval
10. Municipal utility authority permit
11. County planning board approval
12. MLUL approval (preliminary and final), unless, prior to January 1, 1992 an R use was rezoned I or C, or wetlands transitional areas are included
13. UCC permit
14. Water supply management permit
15. Well drilling permit
16. Exemption from a sewer ban, with some exceptions
17. Sewer connection permit, with some exceptions
18. Water quality permit
19. Stream encroachment permit
20. Flood hazard permit

The Permit Extension Act specifically *excludes* (no extension for) federal permits, DEPE administrative consent orders, and approvals for resource recovery facilities. Construction officials with questions are encouraged to call the Construction Code Element's Technical Services Section (609/530-8793) for help.

Source: Chrystene Wyluda
Code Development Unit



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Mechanical Inspector License

A proposal has been submitted to the *New Jersey Register* to create a mechanical inspector's license. This article is based upon the proposal as it was submitted and does not reflect any changes that may have occurred during the adoption procedure. Once the regulations have been adopted, please read them carefully to see how they pertain to you and your municipality.

The present regulations spread mechanical code responsibilities across the building, fire protection, and plumbing subcodes, often requiring that three or four different inspectors inspect a single piece of mechanical equipment. The existence of a mechanical inspector will mean a much more efficient and less costly method of performing mechanical inspections in use groups R-3 and R-4.

The easiest way to explain the provisions of the proposed regulations is to list them:

1. Use of the mechanical inspector is voluntary. If a municipality chooses to continue to send multiple inspectors, that is acceptable.
2. The mechanical license is for mechanical plan review and inspection in use groups R-3 and R-4.
3. The mechanical inspector's license does *not* affect the classification of a municipality.
4. A person holding a valid inspector's license may apply for the mechanical inspector's license by completing three National Certification Tests. They are:

- 4A Mechanical 1 and 2 Family
- 4B Mechanical General
- 2A Electrical 1 and 2 Family

No additional courses or experience are required for licensure. Results of any of the examinations already successfully completed and currently used for licensure may be submitted at the time of application; examinations need not be retaken.

5. An additional 1.0 CEU technical in each two-year licensing period will be required to renew the mechanical license.
6. A mechanical inspector must be employed by either a municipality or the state, and is assigned by the construction official. A municipality may have more than one mechanical inspector.
7. A flat fee shall be set for mechanical inspectors in use groups R-3 and R-4. No separate fee shall be charged for gas, fuel oil, electrical, or water piping connections associated with the mechanical equipment.

Source: William Hartz
Chief, Bureau of Technical Services



Reciprocal Licensing Update

"Reciprocal licensing" refers to *N.J.A.C. 5:23-5.5(d)5*, which states: "An applicant who is licensed as a building inspector, electrical inspector, fire protection inspector or plumbing inspector shall be eligible for licensure as an inspector at the same level or lower in any other subcode, other than the elevator safety subcode, upon satisfactory completion of the approved educational program, if applicable, and the examination for licensure as an inspector in that other subcode, provided that the applicant has at least the number of years experience required for that other subcode inspector's license."

This policy continues in *N.J.A.C. 5:23-5.7(a)6*, which states: "A person who is already licensed as a building, plumbing or electrical subcode official shall be deemed to have satisfied the experience requirement for any other subcode official license other than the fire protection or elevator subcode official license."

For several years the state associations representing the inspectors argued that, although many inspectors receiving reciprocal licenses were knowledgeable regarding the written code provisions, they lacked the experience to make decisions in the field given irregularities in the project or any circumstances unforeseen by specific code provisions. The Department has agreed with these concerns.

On August 3, 1992, the Department submitted a proposal to the *New Jersey Register* to amend the subcode official requirement by deleting *N.J.A.C. 5:23-5.7(a)6* and requiring the following experience in the new subcode area:

1. Three years of experience as an inspector or in a skilled trade directly related to that subcode; *or*
2. Two years of experience in that specific subcode area after obtaining a degree in architecture or engineering; *or*
3. One year of experience in that specific subcode area subsequent to becoming a licensed engineer or registered architect in the State of New Jersey.

The items listed above summarize the proposal; please read the adopted regulation for the exact wording.

This regulation change continues to allow inspectors to obtain reciprocal inspector's licenses and all the benefits accompanying them, but these persons will now be under the supervision of a subcode official until they gain the necessary experience for the subcode official license.

One final note—this proposal shows what can be accomplished when the Department works in cooperation with the inspector associations. The result is that everyone wins—the public is assured that all inspectors are highly qualified, and the inspectors and municipalities continue to benefit from the additional technical licenses.

Source: William Hartz
Chief, Bureau of Technical Services



Dow Corning Announces Fire Stopping Product Withdrawal

The Department has recently learned that Dow Corning has issued a Product Withdrawal on Fire Stop Intumescent Wrap Strip 2002, which has been on the market since 1987. The product, used as a fire stop on plastic and wrapped pipe, was designed to expand and fill in any penetration after the failure of the pipe when exposed to fire. Originally, the product was tested and approved under ASTM-E-814 and was granted UL Approvals 180, 181, 184, 185, 186 and 242 in the *UL Building Materials Directory*.

Manufacturer's testing of the product after it had aged several years found that the product could not meet the original ASTM and UL tests under which it was granted approval. To date, Dow Corning knows of *no* field problem on existing installations. The company is using the UL lab to conduct further tests to determine the full extent of the problem and to develop any necessary retrofit for existing installations.

The Department advises all code officials not to accept this product on any new installations. Also, please contact the Bureau of Technical Services if you have found any problems with the product. The Department will continue to monitor the situation and will advise accordingly.

Source: Robert Hedden
Construction Official
Construction Project Review

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Codes vs. Standards

The relationship between "adopted subcode" and "referenced standard" is often misunderstood. It is a common belief that the subcode and referenced standard should be enforced concurrently, and that the most restrictive requirements will apply in case of a conflict between them. The following paragraphs will remove such confusions.

Subchapter 3 of the *New Jersey Uniform Construction Code* contains a number of subcodes which have been adopted as administrative statutes. These adopted subcodes refer to certain standards. During the code enforcement process, the referenced standard is consulted when the subcode so requires. When applying the requirements of these standards, the adopted subcodes take precedence over the standards. Likewise, the primary referenced standards take precedence over the secondary referenced standards.

The following example concerns the extent of applicability of the provisions contained in the 1990 *National Electrical Code*, relative to the *BOCA National Building Code/1990*, specifically as BOCA's reference standard (NFPA 70-90). *NEC '90* Section 645-2(5) requires a computer room to be "separated from other occu-

pancies by fire-resistant-rated walls. . . ." According to UCC regulations as mentioned above, references to the *NEC* in the 1990 *BOCA National Building Code* do not mandate compliance with the *NEC* provisions relative to "building" components such as walls, floors, or ceiling construction. These building components are regulated by the *BOCA National Building Code*.

All possible efforts will be made to delete conflicting code provisions like the one cited above during the code adoptions. Nevertheless, where differences occur between the adopted subcode and referenced standard, the provisions of the subcode will apply.

Source: Farid Ahmad
Supervisor, Code Assistance Unit
Bureau of Technical Services

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State Training Fee for Alterations

On August 3, 1992 a proposal appeared in the *New Jersey Register* providing for a training fee on alterations with an expected effective date of October 1, 1992 (fourth quarter). The new fee will allow the Department to continue to provide the highest quality training and support for New Jersey's code enforcement community without raising the fees on new construction.

Permits for new buildings with volume will continue to require a training fee of \$0.0016 times the cubic volume. There is no change in the regulations for any new buildings or additions with new cubic volume.

If the permit is for an alteration, however, a training fee will be now collected at a rate of \$0.0008 (\$0.80 per \$1000) times the cost of the alteration. For example, a \$2500 reroofing permit would collect a \$2 training fee, a \$5000 siding permit would collect a \$4 training fee, and a \$10,000 plumbing and electrical alteration would collect an \$8 training fee.

When doing an addition with an alteration to the existing structure, the process is just as simple. The training fee for the addition is computed by volume. In this example, there is also a \$2500 electrical alteration to the existing structure on the same permit. This adds a \$2 training fee collected on the electrical subcode form. The key is knowing the cost of the alteration.

Last June each municipality was mailed new forms with a state training fee shown on each subcode section. With the adoption of this proposal the new state training fee forms (R840B) has been mailed to each municipality.

Everyone in the construction industry benefits from well trained and qualified inspectors. The State Training Fee ensures the construction code inspectors of New Jersey will continue to lead the nation in their ability, skill and knowledge of the code.

Source: William Hartz
Chief, Bureau of Technical Services

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Preventing Excessive Fault Currents

When a fault occurs from one phase conductor to another, or to the grounded or neutral conductor, the potential fault known as "short circuit" can reach thousands of amperes. If this extremely high magnitude of current is not arrested, it may actually start a fire by rupturing the overcurrent device or completely destroying the conductors and equipment, thus causing potentially serious damage to life and property. The overcurrent device must, therefore, interrupt the short circuit current very quickly, and without damaging itself. It must also protect the downstream electrical components such as conductors, switches, bonding jumpers, etc., in the electrical distribution system.

The electrical subcode requires that the interrupting rating capacity of overcurrent devices be at least equal to the available fault current at the line terminals. In addition, the system must be so designed that the short circuit currents will not exceed the withstand ratings of the downstream components.

Since each electrical installation is different, selecting overcurrent devices with the proper interrupting rating is not always a simple task. To begin with, the amount of short circuit current available at the service equipment must be known. Such current depends upon the capacity rating of the utility primary supply to the building, transformer KVA and impedances, and the service conductor impedances. The magnitude of available short circuit current may rise considerably due to later replacement of transformers to lower impedance, or larger KVA ratings resulting either from on-site equipment upgrades or upgrades of the electric utility's equipment. That means the existing protective devices may be unable to safely interrupt the enhanced magnitudes of available short circuit current. Thus, it is important to have up-to-date knowledge of the value of available short circuit currents from the utility or from the impedance of the supply transformers.

A properly designed electrical distribution system must take into consideration the following variables:

- a) Available short circuit current at supply terminals based on current data;
- b) Contribution of feeders and equipment, such as motors, to the available fault current at various points in the system;
- c) Circuit characteristics, such as length, size, conductor material, and raceway types;
- d) The maximum short circuit withstand ratings of all components;
- e) Short circuit let-through values of protective devices sufficient to protect the downstream components; and
- f) Worst-case condition of the potential fault current.

Electrical subcode officials should ensure that these factors have been considered and that appropriate values of available fault current, interrupting rating, current limitations, etc., are furnished in the plans by the designer whenever new facilities are designed or existing facilities are upgraded or modified. This will minimize the possible destruction caused by excessive fault currents.

Source: Ashok K. Mehta
Code Assistance Unit
Bureau of Technical Services



"Oops" or: The Story of Fred and Jerry, The Fuel Delivery Guys

On a day in late November, Fred and Jerry rode in their fuel delivery truck to their last stop of the day. They were in kind of a hurry because they wanted to get ready for the Houston Oilers game at Giant Stadium.

"1423 Blacksoil Road . . . this is the place," said Jerry, pulling the truck up to the curb.

"Let's hook this bad boy up and get out of here," Fred suggested.

They proceeded to hook the delivery nozzle up to the fill line.

"Boy—this tank must have been empty," said Jerry. "We've already pumped 600 gallons in."

"Did you say 600 gallons?" asked Fred.

"Yep," said Jerry.

"That's funny . . . this is only supposed to be a 275 gallon tank," replied Fred, scratching his head. "Boy, that seems strange; let's shut down and see what's going on."

As they approached the door Fred asked, "What's the number on that invoice, again?"

"1432," replied Jerry.

"Oh, sugar!" commented Fred (of course, Fred didn't really say "sugar," but this is a family newsletter).

At about the same time, Mrs. Johnson rushed out of her house, madder than a wet hen!

"What in the heck did you guys do?? You've filled my basement with oil!" (Of course, Mrs. Johnson didn't really say "what the heck," but again, this is a family newsletter.) "I converted to gas two years ago!"

Oops. The problem was that when the conversion was made, the *tank* was removed, but the *fill pipe* wasn't. (What a fuelish mistake!)

I guess by now you are wondering what two rocket scientists pumping oil into a basement have to do with the Uniform Construction Code. On behalf of Mrs. Johnson and other homeowners who have "struck oil" in their basements, this is a reminder that, when you remove a tank, you *must* make sure that the fill pipe is also removed. For more information on the proper abandonment of tanks, see Bulletin 91-4.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services



Boards of Education: Fees

The Department has received advice from the Attorney General's Office that boards of education which undertake construction on buildings they use under a lease/purchase agreement are exempt from *local inspection fees*. The boards must still pay *plan review fees* if the construction planned is such that it requires a "review for educational adequacy" by the Department of Education (DOE).

This is in line with the Department's Bulletin 91-2, which explains that boards of education, in general, shall pay only plan review fees to the DOE, or to any appropriately qualified municipal agency the board selects to review its plans, when a review for educational adequacy is required.

This Department has received questions about other fees, such as those for inspections and certificates when private parties undertake work on structures which are subsequently leased by school boards. In such cases, the private parties are not eligible for any exemptions.

The statutes which control whether boards of education pay fees or what fees they pay changed in 1983, 1986, 1989, and 1990! It is not surprising that there continue to be questions.

Source: Chrystene Wyluda
Code Development Unit

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Pre-Sale Ordinances: Update

Though pre-sale ordinances are not part of the UCC, the Department is sometimes asked questions about them. A recent case, *Upper Deerfield Township v. Seabrook Housing Corp.*, L. Div. No. 10-90, 1/25/91; App. Div. A-3580-9075, 3/20/92, concerned an ordinance that required a seller to get a housing inspection and a certificate of occupancy prior to the sale of an abandoned structure. The lower court found the ordinance unduly restrictive because the abandoned structure was vacant, boarded up, and scheduled for demolition. The court found it unreasonable to require the structure to be habitable prior to sale, since the buyer should have the option of fixing or demolishing the structure, or otherwise using or reselling the property.

The Appeals Court agreed with the Law Division that Upper Deerfield's ordinance was flawed. It added, however, that if a municipality were to properly draft an ordinance which would not unduly restrict the sale of property, it could, under the authority of its police power, require pre-sale inspections of properties to guard the public safety and welfare of municipal residents. Buyers and sellers, however, should be able to decide whether to fix, demolish, or resell structures.

Source: Chrystene Wyluda
Code Development Unit

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Elevator Fees: On-site Agencies

On the subject of fee schedules for enforcement of the elevator safety subcode, please be reminded that certificate of compliance fees are to be charged *only* for work involving a permit, such as new construction. No fee may be charged for certificates of compliance issued for routine or periodic inspections.

N.J.A.C. 5:23-2.23(j) states that a certificate of compliance will be issued for a specified time period. *N.J.A.C. 5:23-4.18(k)l.v* states that fees charged for elevators by private on-site inspection and plan review agencies shall be identical to those established under 5:23-12.6(a) and (b).

5:23-12.6(a) and (b) have no provision for a certificate of compliance fee; 5:23-4.20(c)2.vii establishes the fee as \$26 for a certificate of compliance for work done under a permit. Therefore, a certificate of compliance fee can be charged only for work that involves a permit.

Municipalities must mail requests, receive and record checks, and issue certificates. For this they are entitled to receive an administrative surcharge. *N.J.A.C. 5:23-4.18(k)l.vi* allows a municipality, by ordinance, to add up to a 15 percent surcharge. These administrative surcharges apply only to the subcode areas for which the municipality has a contract with a private on-site inspection and plan review agency.

The issue of routine and periodic inspections for county and municipal buildings is also clear. The Uniform Construction Code Act 52:27D-126c exempts these buildings from any fees involved in securing a construction permit. However, with the elevator subcode, as with the other subcodes, the private on-site inspection and plan review agency shall charge the municipality fees identical to those in the state mandated fee schedules. (*N.J.A.C. 5:23-4.20* and 5:23-12.6(a) and (b) as set forth in *N.J.A.C. 5:23-4.18*). Since a construction permit is not issued, this exemption does not apply to the fees for routine and periodic inspections.

Source: Michael Wilfing
Supervisor, On-Site Inspection Agency
Bureau of Regulatory Affairs

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Open Letter to Construction Officials

Today is not the best of times to be in the contracting or excavation business. Caught between a slumping economy and expensive overhead (cost of equipment and insurance, to name but two factors), business survival seems to be the most common goal.

Another source of concern to those in the excavating business, other than the economy, is that today's network of underground utilities is becoming increasingly crowded. One of the newest worries to those who dig is fiber optic cable. This January, AT&T began a Contractor Awareness Program to alert those in the excavation community to the nature of fiber optic communications. One of fiber optic's strengths is also its biggest weakness—each cable carries such an enormous amount of telecommunications service that damage to a single cable can be very costly, not only in dollar figures, but in terms loss of life due to the critical nature of some of the services carried over our facilities. The main message of the program is "Call Before You Dig" in order to avoid damaging our facilities and those of other utilities.

As the contractor liaison for New Jersey, I've spoken to contractors, utilities, and municipalities. Some of the feedback I've gotten is quite interesting. One contact in particular opened my eyes to the realities of today's construction environment. I had stopped by a contractor's office, and, after initial pleasantries, began to explain the program and the need to notify the "One Call" center prior to excavation. He politely cut me short and filled me in on the "real world":

"We are all scratching for work these days, and a lot of my jobs are done for homeowners who want the work done today! If I tell them that we have to wait three days for the proper markout, the homeowner will find someone else who will start today."

A possible solution to the problem suggested itself through the concerns voiced by another contractor with whom I spoke. He said that years ago, before a permit involving excavation was issued on the local level, it was required to notify "One Call" and record the request number on the permit. He wondered out loud why that process wasn't still in effect.

Some of the construction officials with whom I have spoken already incorporate "One Call" notification in their permitting process. Unfortunately, many more do not. I believe that we have a tool at our disposal that could benefit everyone involved in the excavation process—contractors, municipalities, and utilities. A toll-free call to the "One Call" center can go a long way toward assuring the safe completion of excavation projects large and small. Mandating "One Call" notification could help protect the contractor and township from legal consequences should inadvertent damage to utilities occur. Such a mandate could help to put all contractors on an even footing regarding their legal requirements prior to excavating . . . not to mention prevent damage to underground utility facilities.

I have met and spoken with many construction officials throughout New Jersey about the aims of AT&T's Contractor Awareness Program. Each of you has been willing to assist by allowing me to stock your counters with informational literature. This is a positive step, and I deeply appreciate the help you have extended.

I would like to think that alerting folks to the negative side of not making that call could be enough to prompt them to "do the right thing"; however, I've been in the field long enough to know this is wishful thinking! I do ask that construction officials mull over my proposal to include "One Call" notification in the permitting process for jobs involving excavation. It is a step that, from my perspective, has no downside and would go a long way toward protecting everyone's interest. If you would like more information, please write to me at AT&T, 88 Horsehill Road, Cedar Knolls, NJ 07927, or call 201/644-2076.

Source: Jim Moore
Contact Representative, AT&T

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Conflict of Interest: Recent Changes

In the July 6, 1992 *New Jersey Register*, two changes in the Conflict of Interest provisions of the Regulations were adopted. As the Bureau of Regulatory Affairs frequently investigates allegations of conflict, it is important to outline these changes. Since most officials have access to the *New Jersey Register*, you may already be aware of the new provisions.

The Bureau frequently receives questions from officials inquiring how best to handle a project being built by a family member. The Bureau used to suggest that the official remove himself or herself from any official responsibility for the project,

e.g., plan review, permit issuance, and inspections, to eliminate the appearance of impropriety. Under the Regulations, however, this official involvement was not considered to be a conflict of interest. *This situation has been changed as of July 6, 1992, and the above is no longer true.*

N.J.A.C. 5:23-4.5(j) states: "1. No person employed by an enforcing agency as a construction or subcode official or as an inspector shall carry out any inspection or enforcement procedure with respect to any property or business in which he or she, or a member of his or her immediate family has an economic interest." The regulations further require that, should a potential conflict situation arise (e.g., your son is building a house in your town), arrangements be made for enforcement with another enforcing agency or with the Department.

A second change has been added to N.J.A.C. 5:23-4.5(j)4. It states: "No person employed by a municipal enforcing agency as a construction official, subcode official, or inspector shall be employed to appear before any construction board of appeals, or be involved in any court proceeding within the State, as a paid expert witness, or in any other compensated capacity in any proceeding involving the enforcement of the Uniform Construction Code except on behalf of another enforcing agency, or as a court appointed witness."

As a side note, those of you appointed as fire officials and fire inspectors should check with the Bureau of Fire Safety regarding similar requirements. If you believe you may presently be in violation of the Conflict of Interest provisions, please contact the Bureau of Regulatory Affairs at 609/530-8838 for guidance.

Source: Gerald Grayce
Bureau of Regulatory Affairs

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Elevators in Public Buildings

Can a town charge a fee for inspecting elevators in schools or other public buildings? Many construction officials are under the incorrect impression that a town may not charge any fee for making elevator inspections in public buildings, as they are exempt under the law from all fees.

N.J.S. 52:27D-126c provides that: "No county, municipality, or any agency or instrumentality thereof shall be required to pay any municipal fee or charge in order to secure a construction permit for the erection or alteration of any public building or part thereof from the municipality wherein the building may be located."

The exemption is *only* from payment of permit fees. As no permit is required for making routine or periodic elevator inspections, there is no exemption for public buildings from payment of routine elevator inspection fees. The town, therefore, *may* charge a fee for making periodic/routine elevator inspections. If a permit is required to replace or repair an elevator in a school or other public building, on the other hand, the municipality *may not* charge any fees, including any surcharge or state training fees, for issuing a permit.

A municipality may choose to contract out Elevator Subcode

responsibilities to an onsite inspection agency. Regardless of whether or not the municipality has collected any fees for issuing a construction permit for the erection, alteration, repair, or replacement of an elevator in a public building, an onsite inspection agency must be paid proper fees as set forth under *N.J.A.C. 5:23-4.20 (6)* and *5:23-12 (6)*.

Finally, under *N.J.A.C. 5:23-4.20 (3)vii*, municipalities are allowed to charge a fee of \$26.00 for a certificate of compliance *only* if issued under a construction permit. There is no charge for a certificate of compliance required to be issued after each routine and periodic inspection of elevators (*N.J.A.C. 5:23-2.23(j)*).

Source: Bureau of Regulatory Affairs ☐

Revised Report Forms

Effective August 1, 1992, Uniform Construction Code Municipal Monthly Activity Reports (permits and certificates), *must* be submitted on revised forms 812B and 811B. The computer system no longer accepts manual entry of the old form. Missing reports must also be sent in using the revised forms. After August 1, any reports received on the old report form will be returned.

Those towns using modems to send in data should now be using System I (2.20) or System II (4.21). If you are using an alternate program, you must submit all data in a form similar to the new Uniform Construction Code Municipal Monthly Activity Reports 812B (permits) and 811B (certificates).

All reports are still due by the tenth working day of the month. Any late reports may subject the construction official to fines of \$25 per report. We apologize for any inconvenience that this may cause you, but this is a necessary step in the process of updating our reporting system.

Source: Larry Wolford
Research Analyst, Bureau of Regulatory Affairs ☐

Using UCCARS

Since the new version of UCCARS has been up and running, we have kept track of the kinds of problems and concerns that you have been calling about on the support line. Based on your initial experiences with the new version, here are some tips that cover some of the more commonly encountered problems.

1. When you first begin the inspection module, don't forget to tell UCCARS who your inspectors are, what subcodes they are authorized to inspect, and when their licenses expire.

2. If you have problems storing new inspection requests and/or inspection results, check your inspector data screens to make sure that the inspectors' licenses have not expired, and that you are using the right inspector for the right subcode.

3. Remember that for "New Building" or "Addition" you must now enter *total area in square feet* as well as volume in cubic feet. Also, for the first time there are two situations in which zeroes are accepted by UCCARS for these entries: Industrialized Buildings and Permit Updates. In all other situations you must enter non-

zero numbers into these fields.

4. Census item numbers are now mandatory—you must enter a valid census number into UCCARS for each and every permit. You should be using the Bureau of the Census' *Information Booklet C-404(B)* as your guide in determining what number applies in each specific situation. For types of work that the Census Bureau considers "Out of Scope," enter the number "999" into the census field in UCCARS.

5. Pressing the "Print Screen" button on your keyboard causes an image of the data on your screen to be copied to your printer. This is a quick way to get a printout of plan review data with all relevant dates each time you update the screen. Inserting this printout into the project folder gives all your people access to the latest plan review status of all current projects.

Source: Stan Kosciuk
President, Municipal Information Systems, Inc. ☐

UCCARS Notice

If you are presently using UCCARS for scheduling inspections, we have an upgraded inspection module for you. Just let us know who you are by sending a note to MIS, 1170 Wychwood Road, Mountainside, NJ 07092, or use our new FAX number: 908/889-6666.

New Jersey Register Adoptions

Date	Adoption
6/15/92	24 NJR 2243(a) Administration and Enforcement Process; Special Inspections. Adopted Amendments: <i>N.J.A.C. 5:23-1.4, 2.15, 2.18, 2.20, and 3.14</i> , effective 6/15/92. 24 NJR 2244(a) Municipal Enforcement Agencies—Establishment. Adopted Amendment: <i>N.J.A.C. 5:23-4.3</i> , effective 6/15/92.
7/6/92	24 NJR 2422(a) Fire Code Administration; Uniform Construction Code, Conflict of Interest. Adopted Amendments: <i>N.J.A.C. 5:18A-2.9 and 4.6; 5:23-4.5, 4.11, and 4.14</i> , effective 7/6/92. 24 NJR 2424(a) Subcodes; Enforcing Agencies, Duties, Powers, Procedures; Licensing. Adopted Amendments; <i>N.J.A.C. 5:23-5</i> . Adopted Recodification with Amendments: <i>N.J.A.C. 5:23-3.10</i> as <i>5:23-4.3A</i> , effective 7/6/92.
7/20/92	24 NJR 2557(a) Licensing of Interns. Adopted Amendment: <i>N.J.A.C. 5:23-5.4</i> , effective 7/20/92.
8/3/92	24 NJR 2712(b) Standards for Municipal Fees, Departmental Fees; Plumbing Fixtures and Equipment. Adopted Amendments: <i>N.J.A.C. 5:23-4.18 and 4.20</i> , effective 8/3/92.

Source: E. Maria Roth
Code Assistance Unit ☐

What Does a TACO Mean to You?

If you answered "Mexican food," you have not worked in a construction office! The Technical Assistant to the Construction Official (TACO), also known as "control person," is at the heart of the construction office. Becoming an effective control person requires skills in a variety of areas. In addition to gaining experience in processing permits and participating in seminars on the UCCARS system, some people even take Building R.C.S. and Construction Official courses at the county colleges.

The TACO's wide range of responsibilities includes answering phones, recording inspections, assisting the public, ordering supplies, managing the budget, and maintaining municipal reports. This last activity requires using the UCCARS computer system to report to governmental agencies and track permits, plans, and certificates of occupancy that come through the office. The control person handles construction permits throughout plan review, permitting, inspection, and monthly reporting; upon completion of this process, she or he then carefully files permits and plans to make them accessible to other municipal offices or the public.

Then, during that "slow time" they say all construction offices have, the TACO has one or two other things to do. There is correspondence to be read and answered, licenses to be sent out to contractors in municipalities having local licensing, inspector's reports for certificates of occupancy and approval to be compiled, other clerical staff to be trained, information to be gathered for

various offices, and so on. TACOs also set the inspectors' daily schedules, so they must know what is involved in an inspection and how many can be scheduled on a given day. Otherwise, they risk a situation that looks like a bullfight when the inspectors receive their daily inspection sheets . . . I am still waiting for the slow time in our office; I think perhaps I may have missed it when I went to lunch one day.

It's not easy to juggle the activities generated by a busy construction office, particularly when one must make difficult or unpopular decisions regarding plans, inspection schedules, or the permitting process, for example. And when one deals with the variety of people that use the construction office, one is bound to encounter some interesting personalities that keep the job from getting dull!

In all aspects of the job, the TACO needs the support and assistance of the construction official, subcode officials, inspectors, and other staff members so that the job is accomplished in the most efficient and professional manner possible. Since TACOs have limited contact with one another, unlike the licensed officials, we would like to consider creating an association for TACOs to provide a forum to discuss their positions with others who work in the same title. With everyone's input and help, maybe this can be accomplished. In the meantime, please remember that not all TACOs are found in Mexican restaurants!

Source: Diane J. Runowicz
TACO, Lawrence Township



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Volume 4 Number 4

Winter 1992

Gerard Garofalow Elected BOCA President

On September 22, 1992, at the 77th Annual BOCA Conference in St. Paul, Minnesota, Gerard Garofalow was elected President of Building Officials and Code Administrators International. His term of office will be 1992-1993.

Mr. Garofalow, Construction Official of Ridgely Park, follows two previous New Jersey officials who have served as BOCA President—Wilbur Lind, former Construction Official from the City of Hackensack, and Charles Decker, Assistant Director for the Construction Code Element, DCA. Both had successful terms.

The Department congratulates Mr. Garofalow on this outstanding accomplishment and wishes him a successful presidency.

1993 BOCA Conference

In September 1993, the 78th Annual BOCA Conference will be held in Atlantic City, New Jersey. I asked Terry Leppellere, Manager of Training Services at BOCA, to provide preliminary information on the training at the conference. The following article will give you a brief overview plus an estimated cost for registration.

The Education Unit is working with BOCA to ensure that the seminars and training offered at the conference are approved for continuing education credit toward renewal of your New Jersey code enforcement license.

Source: William Hartz
Chief, Bureau of Technical Services



1993 BOCA Conference to be Held in Atlantic City

While the 1992 BOCA Annual Conference is still a recent memory, plans are well underway for the 1993 conference in Atlantic City, New Jersey. The 78th Annual Conference is scheduled to be held at Trump Castle during the week of September 19th.

Veterans of BOCA conferences will see no changes to the week-long activities, with one exception: the Board of Directors' moratorium on code changes for 1993 will allow more time for training activities throughout the week. Otherwise, the various business of the organization will continue as in other years.

Tentatively, additional training offerings will be used to fill the time on Monday afternoon, September 20, all day Tuesday and Wednesday, and Thursday morning. While specific subjects have yet to be determined, an outline of the program looks like this:

Monday, September 20

AM: Opening Session 9:00-10:30
PM: Business Meeting 1:30-4:00
Crackerbarrel 4:00-5:30

Tuesday, September 21

AM: General Training Session
PM: Four to six concurrent training seminars presented by BOCA staff or other technical experts.

Wednesday, September 22

Four to six concurrent day-long seminars presented by persons or organizations selected by the BOCA Training Services Committee on the basis of proposals received. (Note: A request for proposals will be distrib-

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uted to interested parties in January 1993. Persons interested in submitting a proposal may be included on the mailing list for RFPs by submitting a letter of interest to Terrence Leppellere at BOCA Headquarters).

Thursday, September 23

Concurrent seminars from Tuesday afternoon repeated.

Considering the large BOCA constituency in New Jersey, we anticipate that many will want to attend this unique training opportunity. Many may want to do so without incurring the expense of the other conference activities. For this reason, there will be a special registration fee for those wishing to attend the training activities only. Members wishing to participate should budget in the \$150 to \$200 range for the training activities; this fee would include all materials and one luncheon on Monday.

Source: Terrence A. Leppellere, P.E.
Manager, Training Services
BOCA International



Anti-Scald Valves

Recently there has been an increased concern over scald protection. Based on the code changes that appeared in the 1992 Supplement of the *National Standard Plumbing Code*, inspectors will see more and more anti-scald valves being installed. Though the 1992 Supplement may not be adopted, changes will appear in the 1993 code to mandate either installing an anti-scald valve or sizing the water distribution system for a demand flow of 4 ft./second.

Anti-scald devices come in three types: pressure balance, thermostatic, or combination thermostatic pressure balance. While these devices all have the same goal—to supply shower water at a relatively constant temperature despite fluctuations in supply line pressure—the way they solve the problem is somewhat different.

We will focus on the two most popular valve types. A pressure balancing valve relies on a balancing piston to partially or totally block off ports that supply water to the showerhead (see figure 1).

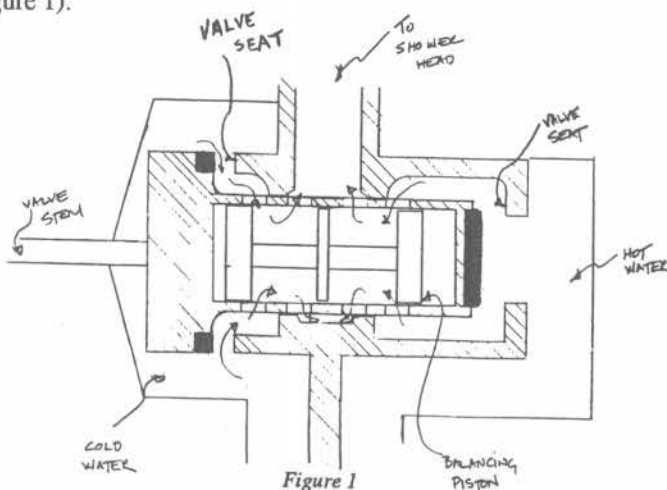


Figure 1

If you look at the balancing piston, you will see that an increased pressure on one side of the piston—for instance, on the HOT side—will tend to move the piston in the direction of the COLD side. This blocks off the ports supplying the hot water, equalizing the flow of hot and cold water and maintaining the temperature of the water to the showerhead. (See figure 2).

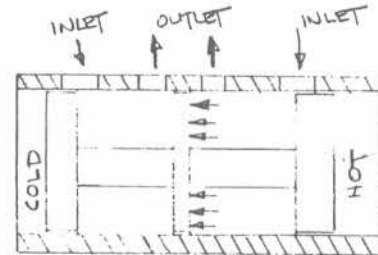


Figure 2

Thermostatic valves also work on the principle of ports, but, rather than relying on pressure to move a piston, they rely on either a bellows or a metallic sensing coil to move the piston and adjust the flow at the inlet ports.

The bellows or sensing coil is subject to the temperature of the water at the outlet of the valve. As the temperature of the water increases, the bellows or coil expands. As the coil or bellows expands, it moves the piston, partially blocking the HOT water supply to the showerhead, thereby maintaining the temperature.

Remember, the present code (1990 *NSPC* with the 1991 Supplement) does not require scald protection in single-family dwellings. When this protection does become a requirement (under the 1992 *NSPC*), the alternative of sizing the supply piping at 4 ft./second will be allowed. (Sizing water supplies at 4 ft./second will be a topic in a future newsletter.)

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services



Fire Protection Inspector RCS License Will Become Invalid

Several months ago I sent individual letters to all those serving as a municipal Fire Protection RCS, Subcode Official, to remind them that this technical license will *not be valid* after July 31, 1993. This article should remind all others who hold the license, and who perform occasional fire protection inspections, that this license will soon expire.

On June 17, 1991, regulations were adopted allowing a two-year phase-out of the Fire Protection RCS license. If you hold this license and you are interested in upgrading to Fire Protection ICS, you must do the following:

1. Document any additional experience that may be required.
2. Complete the Fire Protection Inspector ICS course. The

community college schedule for Spring 1993 is not yet available, but please check with your local college to see when the course will be offered (see page 8 of this newsletter for a list of colleges, coordinators, and phone numbers).

3. Successfully complete two National Certification Tests—Fire Protection General (3B) and Mechanical One and Two Family (4A). If you have not already registered for the November examination, the next test administration will be April 24, 1993, with a registration deadline of March 17, 1993. To receive a registration application, please call Educational Testing Service at 609/921-9000.

If you need any further assistance, please contact the licensing unit at 609/530-8803.

Source: William Hartz
Chief, Bureau of Technical Services



Municipal Elevator Fees

It has come to our attention that certain municipalities are not following the standards for municipal elevator fees provided in the Uniform Construction Code. This practice leads to inaccurate construction permit fees.

Please note that *N.J.A.C. 5:23-4.18* stipulates the standards for municipal fees:

1. The fee for a permit to install an elevator device shall be a flat fee. The fee may vary for different types of inspections, tests, and elevator devices.
2. The categories of municipal elevator fees shall be identical to the categories of elevator fees listed at *N.J.A.C. 5:23-12.6(a)* and (b).
3. Where the local enforcing agency uses the services of a private on-site inspection and plan review agency to enforce one or more subcodes, then the fees charged to the municipality by the private on-site agency shall be identical to those charged by the Department pursuant to *N.J.A.C. 5:23-4.20*.
4. Elevator safety subcode: Fees charged to the municipality when a private on-site agency performs inspections and witnesses tests shall be identical to the fees established by the Department at *N.J.A.C. 5:23-12.6 (a) and (b)*.

Any questions regarding the above, or other questions relating to the elevator subcode, may be directed to the Elevator Safety Unit at 609/530-8833.

Source: Paul Sachdeva, P.E.
Manager, Elevator Safety Unit
Bureau of Code Services



Barrier Free Advocates

With the passage of the Americans with Disabilities Act (ADA), we have been asked many times whether Barrier Free Advocates would be effective ADA evaluators in a municipality. Therefore, we would like to stress that Barrier Free Advocates are trained *only* to explain the requirements of the Barrier Free Subcode (BFSC) in a hearing on an access issue before the Construction Board of Appeals.

Although there may be individuals who are Barrier Free Advocates who would be contributing participants in an ADA task force, their Barrier Free Advocate training is not their defining qualification. Barrier Free Advocacy training has one purpose only—to qualify the advocate to testify on an access issue at a Construction Board of Appeals hearing.

In addition, the Barrier Free Advocate testifies as a public service. The Barrier Free Advocate may not advertise and may not be paid for this service. The training is provided at no charge; the service must be provided at no charge. The completion of the training must not be advertised as a business qualification. Therefore, such designations as "Barrier Free Advocate" or "Certified New Jersey Barrier Free Advocate" must not appear on business cards. Remember, this is a public service, and may not be used to enhance or attract private business.

Lastly, it is important to recognize that the ADA is federal civil rights law which includes building regulations. The BFSC is Subchapter 7 of the *New Jersey Uniform Construction Code*. Although the technical requirements of the federal law and the state code are based on the same technical standard, American National Standards Institute (ANSI) 117.1, and, therefore, have many of the same technical requirements, the federal regulations are not a code and cannot be enforced as if they were a code. Construction officials have no authority to enforce federal law or federal regulations. Construction officials have authority to enforce state codes. Therefore, the accessibility provisions that will be enforced in New Jersey are those of the BFSC. The Department of Community Affairs intends to adopt technical provisions that match those of the ADA regulations. At that point, the technical building code provisions of the BFSC and the ADA regulations will match. Construction officials will continue to enforce state law and the enforcement of the state law will provide compliance with the federal regulations. The federal regulations, however, will continue to be enforced by civil law suit.

When the technical code provisions of the BFSC are revised, the Barrier Free Advocate program will be reviewed.

Source: Emily Templeton
Code Development Unit



Barrier Free Parking: Enforcement

In November 1989, the Handicapped Parking Act was signed into law. It provides that the fine for violating the restrictions on a barrier free parking space be \$100 for a first offense and \$100 plus 90 days community service for a subsequent offense. The fine applies to all "appropriately marked" barrier free parking spaces, whether they are on public or private property. Appropriately marked spaces are those with two signs: one with the international symbol of accessibility and the other with the penalty clearly stated. The Department of Transportation (DOT) designed a penalty sign and the Barrier Free Subcode was amended in 1990 to reflect the new requirement.

Then, we began to hear that there were problems with enforcement. Tickets issued for violation of the restrictions on the parking space were being overturned in some municipal courts. Upon investigation, we learned that the citation included on the ticket referenced the section of the DOT statute that addresses parking restrictions. Because DOT requires registration of all barrier free spaces constructed in compliance with its statute, and because the spaces constructed under the BFSC were not registered with DOT, the tickets were being judged invalid.

We sought an opinion from the Attorney General on whether the restrictions on the parking spaces constructed in compliance with the BFSC were enforceable. The Attorney General responded by issuing a directive to all county prosecutors to inform all involved with municipal parking enforcement that the restrictions on the spaces constructed in compliance with the BFSC were as enforceable as the restrictions on parking spaces constructed in compliance with DOT requirements. This should resolve the issue.

Now, all barrier free parking spaces constructed before June 1, 1990 that had a sign with an international symbol must have been modified (by June 1, 1991) to include a sign stating the penalties for violating that restriction. All barrier free parking spaces constructed after June 1, 1990 must be marked with both the international symbol of accessibility and the penalty sign. The penalty for violating the restrictions on the parking space will be upheld in court.

Source: Emily Templeton
Code Development Unit

Barrier Free Subcode: Indoor Recreation Facilities

The recreation section of the Barrier Free Subcode (BFSC), N.J.A.C. 5:23-7.1-7.116, applies to outdoor recreation, with the noted exception of swimming pools, which may be indoor or outdoor, and indoor court games. Over the past year, we have received repeated inquiries about whether miniature golf course are required to be accessible. Upon review of the BFSC, and after applying the look-for-the-closest-application principle, we decided that, if the course is outdoors, it must comply insofar as golf courses must comply; that means that access must be provided to

the first tee. If the course is indoors, however, the applicable requirement in the building portion of the BFSC must be applied. Is there a ramp? It must be 1:12. Are there stairs? They must meet the nosings requirements and have risers no higher than 7 inches.

Now there comes a new question. What about the indoor recreation centers that are becoming popular? Must those facilities comply with the BFSC? Must each activity in the center comply with the BFSC? The answer clearly is yes. The sections of the BFSC that must be applied to determine what building features must comply are:

- Is it a large building (10,000 square feet or greater)? (N.J.A.C. 5:23-7.2(a)1)
- Is it a small building (under 10,000 square feet)? (N.J.A.C. 5:23-7.2(a)2)
- Does the 25/50 rule apply?

Specific features or areas in a building may be exempt because, for example, the facility is a small, two-story building and does not require an elevator. But, remember, the BFSC first states that "This subchapter shall be interpreted to mandate access for the physically handicapped and aged whether they be in the status of occupant, employee, student, spectator, participant, or visitor." Specific exemptions follow that general premise.

So, assume that access must be provided. Then evaluate to determine to what degree it is required.

Source: Emily Templeton
Code Development Unit

□

Uniform Forms

Everyone associated with the Uniform Construction Code knows we are required to use standardized forms. These forms must conform in content, size, format, and color (except that all multi-part forms may be printed with an additional copy in a color distinct from the others).

Through a series of seminars known as "UCC Office Management," we became aware that many construction officials and control persons have been taking poetic license in producing forms to meet specific needs of the municipality. *No deviation from the required copy is permitted.* Requests for exceptions to this rule, established by the Commissioner, must be made in writing and must detail the requirements from which an exception is sought, plus the reasons for and the duration of the exception. Requests should be accompanied by any appropriate documentation and/or examples.

Keep in mind that you may use nonstandard forms for your own internal processing and recordkeeping, but these forms have no bearing on the administration and enforcement of the UCC.

To request the express written authorization for an exception to any of the required forms, logs, or reports, please write to: DCA, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816.

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

□

Homeowners Doing Their Own Electrical and Plumbing Work

Recently, I have received several letters concerning homeowners doing their own electrical or plumbing work. The point of all letters was the same—either the homeowner wasn't qualified, or someone else was really doing the work.

What can you do when the homeowner wants to do his or her own work? (This article addresses only plumbing and electrical work being done in an owner-occupied, single-family residence.) You have the regulations available to deny a permit to a homeowner you believe to be unqualified.

- The application jacket, form F100B, has a Certification in Lieu of Oath. You are within your rights to request plans for the work to be performed. If the homeowner states that he or she personally prepared the plans, be sure that "B" in the Certification is checked.
- If the homeowner states that he or she is going to do the work, either "C3" or "C4" should be checked. Please note that this indicates that the homeowner will actually *perform* the electrical or plumbing work—not just supervise as allowed for building and fire protection.
- Be sure the homeowner signs and dates the certification and is aware of *N.J.A.C. 5:23-2.31(b)iv*, which allows a penalty of not more than \$500 for making a false or misleading written statement.
- Finally, *N.J.A.C. 5:23-2.15(e)1vii* gives you the authority to reject all plans that are not legible or complete for the purposes of ensuring compliance with the regulations.

Code officials have told me that they sometimes help homeowners with their plumbing and electrical plans. That is not your job and it can get you into serious trouble. There are reasons we have licensed plumbing and electrical contractors. (This could very well be a life safety issue.)

You have the tools available to protect the homeowner and to be sure you have code compliance. Use them!

Source: William Hartz

Chief, Bureau of Technical Services



Penalty Enforcement Proceedings

Municipal construction officials often run into difficulties attempting to collect penalties after the issuance of a notice of violation. Once the time period for appeal has passed, the official should refer the matter to the municipal attorney for penalty enforcement. All too often, here is where the trouble arises—both municipal attorneys and municipal judges are unfamiliar with the proper procedures and fail to follow the requirements outlined in the Penalty Enforcement Act.

The Penalty Enforcement Act (*N.J.S.A. 2A:58-1*) authorizes summary proceedings to collect any penalty imposed by any

statute which authorizes such a method of collection. The Uniform Construction Code Act authorized penalties imposed under it to be collected pursuant to the Penalty Enforcement Act (*N.J.S.A. 52:27D-138d*). The penalties may be collected in either superior court or municipal court in a nonjury proceeding.

In a summary proceeding under the Penalty Enforcement Act, a municipal court has no jurisdiction to conduct fact-finding hearings concerning the validity of the penalties *per se* (refer to *State of New Jersey, Department of Community Affairs v. Werthiemer*, 177 N.J. Super. 595; App. Div. 1980). The only issues in a penalty enforcement proceeding are whether the construction official has the authority to impose the fines and whether the fines are reducible to judgment under the Penalty Enforcement Act. The factual basis for the penalties may be challenged only by way of administrative appeal, an appeal to the Construction Board of Appeals. An applicant who has already had the opportunity to appeal the penalty before the Board cannot appeal the merits of the penalty in a penalty enforcement proceeding.

These procedures should be stressed to your municipal attorney, who should bring them to the attention of your municipal court judge (the case of *Abuhouran v. Manwarren* A-3880-88T3; App. Div. 1991 spells out these procedures). In this way, judges will conduct proper penalty enforcement proceedings and not conduct a full-fledged review of the basis for the construction official's action, a review which is proper only when held before a construction board of appeals.

Source: Robert Hilzer

Regulatory Officer, Bureau of Regulatory Affairs



Asbestos Removals—Drawings Required!

The Department would like to remind construction officials that *N.J.A.C. 5:23-2.16(e)* and Subchapter 8 require that drawings be submitted in order to obtain an asbestos abatement permit.

We have recently become aware that construction officials do not always require drawings for abatement in buildings which will not be occupied during the job. It may seem unnecessary to require drawings for a small job in a comparatively simple building, but if no drawings are submitted for the permit, there will probably be none at the site. If a state inspector inspects an asbestos removal, the Asbestos Safety Technician (AST) and/or the Asbestos Safety Control Monitor (ASCM) firm may be charged with violating the code if no drawings are on site. Worse, the state inspector could have difficulty properly inspecting a job site if no drawings are available. The inspector should know the scope of the planned removal and the location of asbestos in the building.

Drawings for asbestos abatement in unoccupied buildings need not be as detailed as those for construction. Even a rough sketch may be adequate if it shows general dimensions, egress, and the location of asbestos with reference to intended abatement methods and other information required in *N.J.A.C. 5:23-8.7(b)2iv*.

Source: Chrys Wyluda

Supervisor, Asbestos Abatement Unit



Do Research Reports Equal Approvals?

It sure would be convenient if they did. But the Uniform Construction Code gives only the subcode official, not the publisher of research reports, the power to approve materials and methods if they are not in conformance with, but not specifically prohibited by, the regulations. And there's a reason! Only the person charged with approving plans and specifications prior to issuance of a construction permit can judge if newly introduced construction components will perform in a suitable and safe manner when used as specified within a particular project. The use of research reports in code enforcement is really limited to informing the plan reviewer sufficiently to make such judgments—one project at a time.

Obviously, a producer of new construction components hopes for the greatest possible market, and, therefore, would approach this subject from the opposite direction, claiming or implying a multitude of uses. Fortunately, a device called "acceptance criteria" narrows, orders, and screens the material going into a report, focusing on features each evaluation service requires for a specific performance category, such as "foam plastic" or "residential chimney liners." Besides these important but general and descriptive items, every type of report contains the essence of its usefulness in code enforcement, namely the section(s) of BOCA or CABO with which compliance is claimed. Codes adopted in other regions are cited in some reports, at times together with similar BOCA or CABO sections, in order to recommend a product's acceptability in other regions. This is your chance to be a sleuth and aim for absolute precision when it comes to compliance with OUR codes only. However, no one can make a complete and correct decision who has not read every single portion of the report—particularly the common section, "limitations on use."

The purpose of the research report is to provide guidance on the use of materials that, on the face of it, do not meet code requirements. The "limitations on use" section, then, is extremely important because it tells the reader what use may be made of the material and still meet the intent of the code. The opinion expressed in the research reports is that of the Committee formed to evaluate the material in question. In New Jersey, it is clear that construction officials may accept the research reports as evidence that the material is compliant; however, construction officials are not required to accept either the research report or the material. Acceptance of insufficient reports is never required. Approval should be based only on a report that has convinced you.

Some frequently used evaluation services are BOCA Evaluation Service, Southern Building Code International, and National Evaluation Service (a joint effort among all three model codes). All bear an individual number usually indicative of the year of origin and sequence within that year. And all have an expiration date. An expired report doesn't prove code compliance or anything else! Report sponsors must renew reports at every expiration date by following the requirements of each particular evaluation service. Current reports are always on an active list with the publisher where the public can inquire and code officials must inquire, unless

they receive the printed listings. When material is substantially changed in a report, the publisher assigns a fresh number to such revisions. Otherwise, the old number remains, sometimes with a small new printing date in the title. Some reports contain a particularly desirable feature: drawings. We all know one of those is worth a thousand words.

In defense of all this extra work that new building materials sometimes cause, I'll refer to one of the purposes of the UCC Act: to permit modern devices, improvements, and new materials and methods. Ah, the price of progress.

Speaking of work, here's some recommended reading: *N.J.S. 52:27D-120*, Purpose, and *N.J.A.C. 5:23-3.7*, Municipal Approvals of Nonconforming Materials.

Source: E. Maria Roth
Code Assistance Unit



New Jersey Register Adoptions

<u>Date</u>	<u>Adoption</u>
9/8/92	24 <i>NJR</i> 3176(b) Notice of Permit Extensions
10/5/92	24 <i>NJR</i> 3515(b) Methods, Devices and Systems for Indirect Apportionment of Heating Costs in Multiple Dwellings; Approval of Nonconforming Materials; Departmental Fees. Adopted Amendments: <i>N.J.A.C. 5:23-3.7</i> , 3.8 and 4.20, effective 10/5/92.
	24 <i>NJR</i> 3521(a) Tent Permits. Adopted Amendment: 5:23-3.4, effective 10/5/92.
	24 <i>NJR</i> 3521(b) Fees, Reports, Adopted Amendments: <i>N.J.A.C. 5:23-4.5</i> , 4.19, 4.20, 4.21, 4.22, 4A.12, 5.21, 5.22, 8.6, 8.10, 8.18, 8.19, 12.5, 12.6, effective 10/5/92.
	24 <i>NJR</i> 3525(a) Licensing Subcode Official Requirements. Adopted Amendment: <i>N.J.A.C. 5:23-5.7</i> , effective 10/5/92.
	24 <i>NJR</i> 3525(b) Licensing Elevator Inspector HHS Requirements. Adopted Amendment: <i>N.J.A.C. 5:23-5.19</i> , effective 10/5/92.

Source: E. Maria Roth
Code Assistance Unit



ATTENTION LICENSEES!!!

Because transcript information is so readily available on our computer system, we no longer mail transcripts on a regular basis. As a result, several inspectors have requested a form for keeping track of their own earned CEUs, and we now provide this form on the opposite page.

Record of Continuing Education Units Earned

NAME: _____

LICENSE NO: _____

EXPIRATION DATE: _____

LICENSES HELD: _____

Continuing Education Units required for license renewal (per two-year licensing period):

- 1.0 Technical CEU required for *each* technical license
- 0.5 Administrative CEU required for Subcode Official licenses (regardless of how many of these you hold) *plus* an additional 0.5 Administrative CEU if you hold the Construction Official license.

SEMINARS COMPLETED

COURSE #	COURSE TITLE	DATE TAKEN	CEU EARNED (.5 or 1.0)	TECHNICAL OR ADMINISTRATIVE
1.	_____	_____	_____	_____
	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____

- We suggest that you keep this form in a loose-leaf binder together with the certificates you receive upon completion of seminars. Please photocopy this form if you need more space.
- If you have questions about your current status, call the Education Unit at 609/530-8798 or refer to an old transcript.
- To obtain an official transcript from Rutgers University, please send a written request to: Registrar, Division of Summer Session and Continuing Studies, Rutgers University, 119 College Avenue, New Brunswick, NJ 08903. Your letter must include a check for \$10 (payable to Rutgers University), your Social Security number (for identification purposes only), UCC license number, and the semester(s) and year(s) for which you want information (for example: Spring 1987-Fall 1991).

Please note that transcript records are maintained for only 10 years.

Community College Course Coordinators

James Foran
Atlantic Community College
Black Horse Pike
Mays Landing, NJ 08330
609/343-5114

Dolores Elem
Bergen Community College
400 Paramus Road
Paramus, NJ 0765
201/447-7150

Maureen Sherman
Brookdale Comm. College
Newman Springs Roads
Lincroft, NJ 07738
908/842-1900, Ext. 304

Mary Angell
Burlington County College
Pemberton-Browns Mills Rd.
Pemberton, NJ 08068
609/894-9311, Ext. 478

Bill Mink
Camden County College
P.O. Box 200
Blackwood, NJ 08021
609/227-7200, Ext. 528

Mike Zaccaria
Cumberland County College
P.O. Box 517
Vineland, NJ 08360
609/691-8600, Ext. 322

Carl Weininger/Nora Rappel
Essex County College
303 University Avenue
Newark, NJ 07102
201/877-3439 (Newark)
201/228-3971 (W. Caldwell)

Ken Solem
Gloucester County College
RR 4 Box 203, Tanyard Road
Sewell, NJ 08080
609/468-5000, Ext. 254

Betty Johnson/Marga Dillow
Mercer Co. Comm. College
1200 Old Trenton Road
Trenton, NJ 08690
609/586-4800, Ext. 241/281
Registration: 609/586-9446

Lynn Lederer/Dan Cullinane
**Middlesex County College/
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