

Construction Code Communicator



State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Stephanie R. Bush, Commissioner

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Elevator Safety

Enforcement

The Elevator Safety Unit has received inquiries regarding various issues related to inspection, forms, fees, certificates, etc. The purpose of this article is to inform the construction officials, subcode officials, and other concerned parties about these issues in order to have a uniform enforcement process.

Applicable Codes

The Elevator Safety Subcode, ASME A17.1-Rule #1000.2, stipulates that all routine and periodic inspections be performed to ensure conformance to the applicable code requirements at the time of installation or major modification of the elevator device. The table on page 2 may be used to determine which edition of the code applies to different situations.

If the elevator device had an alteration that was not a major rehabilitation or modification, then the code in effect at the time of installation shall be the code used for inspection purposes. In case of an elevator device having features above and beyond the standard of the applicable code, these features shall be inspected to ensure their proper performance (reference *N.J.A.C. 5:23-12.2(b)*). ASME A17.2 is a recommended procedural guide for carrying out the inspections, and hence should not be cited to indicate any nonconformance/violations. All citations shall make proper reference to the ASME A17.1 provisions.

Repairs/Replacements/Alterations

The repairs and replacements meeting the definitions of ASME A17.1 do not require any permit or inspection. Enforcement of the subcode cannot be used to request changes in the equipment which would lead to retrofit. The subcode, as adopted, is not a retrofit code.

Presently, all alterations are considered minor work (reference *N.J.A.C. 5:23-12.8(c)*).

The Department, in consultation with the Elevator Subcode Committee, is refining this aspect of the regulations in order to address the issues relating to alterations, damage, minor work, and ordinary repairs.

Construction Permits/Certificates

Each building shall be issued one permit for work proposed for a particular phase of construction or alteration. As an example, one permit shall be issued for installation/alteration of several devices located in different parts of the building. The technical section of the permit application shall include the details of the equipment which are part of this phase of construction/alteration.

As each device is inspected, the subcode official or inspector shall approve (green sticker) or disapprove (red sticker) each device. Following the issuance of an approval (green sticker), a Certificate of Compliance may be issued to begin the cyclical inspection process. When all devices are approved, a Certificate of Occupancy or a Certificate of Approval (when a Certificate of Occupancy is not required) shall be issued. The device must be registered before a Certificate of Occupancy or Approval is issued. At the time of a routine or periodic inspection and testing, a Certificate of Compliance shall be issued for each device.

Fees

The construction permit fee for elevator installation and alteration is the sum of the plan review fee, which is a flat fee, and the inspection fee based on the type of device. In addition, there shall be a fee for one Certificate of Occupancy or Certificate of Approval.

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NEW JERSEY CODE ADOPTIONS

Elevator Safety Unit Information

BUILDING SUBCODE (BOCA)	(BOCA) ELEV, DUMBWAITER AND CONVEYOR EQUIP ARTICLE NUMBER	SAFETY CODE FOR ELEVATORS AND ESCALATORS	SAFETY STANDARDS FOR BELT MANLIFTS	EFFECTIVE DATE
1975	16	A17.1-1971; A17.1a-1972; A17.1b-1973	A90.1-1969	01/01/77
1976/S	16	A17.1-1971; A17.1a-1972; A17.1b-1973 A17.1c-1974; A17.1d,e,f-1975	A90.1-1969; A90.1a-1972	12/01/77
1978	16	A17.1-1971; A17.1a-1972; A17.1b-1973 A17.1c-1974; A17.1d,e,f-1975	A90.1-1969; A90.1a-1972	10/01/78
1981	21	A17.1-1978	A90.1-1976	05/07/81
1983/AS	21	A17.1-1981	A90.1-1976	02/22/83
1984	21	A17.1-1981; A17.1a-1982	A90.1-1976	08/06/84
1985/S	21	A17.1-1984; A17.1a-1982	A90.1-1976	04/01/85
1986/AS	21	A17.1-1984	A90.1-1976	09/22/86
1987	26	A17.1-1984 & 1985 supplement	A90.1-1985	04/01/87
1988/S	26	A17.1-1984 & 1985 supplement	A90.1-1985	06/20/88
1989/AS	26	A17.1-1987	A90.1-1985	11/01/89
1990	26	A17.1-1987	A90.1-1985	07/01/90
1991/S				03/04/91
UCC 5:23				07/01/91

NOTE: The "effective date" represents the date the code was adopted. Under the Uniform Construction Code rules, a 6-month transition period is allowed; therefore, for permits/installations that took place during this transition period, you must:

- 1) consult construction files to determine under which code the permit was taken out;
- 2) if code information is not available, apply the previous code.

If permits/installation dates are outside the transition period, the code currently in effect must be applied when performing inspections. Example: a permit was taken out May 15, 1987. If the construction file does not have information about the code used, then A17.1-1984 and A90.1-1976 would be enforced. If the permit were taken out on November 15, 1987, A-17.1-1984-1985 supplement and A90.1-1985 would apply.

S = Supplement
AS = Accumulative Supplement
A = Amendments

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Each municipality is required to set enforcing agency fees by ordinance for enforcement of various aspects of the Elevator Subcode. The categories of municipal elevator fees shall be identical to the categories of elevator fees listed at *N.J.A.C. 5:23-12.6(a)* and (b).

No fee shall be charged for a Certificate of Compliance issued as a result of satisfactory completion of routine and periodic tests and inspections for elevator devices.

Source: Paul Sachdeva, P.E.
Manager, Elevator Safety Unit

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Smoke Detector Requirements for Increase in Size

In the February 1, 1993 *New Jersey Register*, regulations were adopted that made several changes in how to determine increase in size of a structure and what the requirements for smoke detectors are in use groups R-3 and R-4. Below is a brief summary of the major changes:

1. Increases in size of 5 percent to less than 25 percent of the floor area for any detached, owner-occupied, single family dwelling of Use Group R3 or R4 shall require hardwired, inter-connected smoke detectors with battery backup, meeting the locational and other requirements of NFPA 74. Detectors are required on each level and in the vicinity of all bedrooms, but not within individual bedrooms.
2. When determining increase in size, use the following:
 - A. With respect to smoke detectors in detached, owner-occupied, single family detached dwellings, the floor area shall be the gross floor area of the largest floor.
 - B. For buildings erected on or after January 1, 1977, except as in (A) above, the floor area shall be the gross floor area of all floors combined. *Note:* Such structures were built since the adoption of the UCC, and, therefore, under the provisions of a model code that have taken life safety issues into consideration.
 - C. For buildings erected before January 1, 1977, the floor area shall be the gross floor area of the largest floor. *Note:* Pre-UCC: it is not known what code, if any, was used.
 - D. Except as otherwise set forth in (A)-(C) above, habitable attics, habitable basements, and garages not separated by fire walls shall be included in the gross floor area of the building.

These regulations are the result of months of work among subcode committees, inspector associations, and the Department. They represent a logical compromise that we expect to be uniformly enforced, and that, at the same time, will not cause undue hardship to the homeowner who is adding a small addition.

For the exact wording of the adoption, please refer to the *New Jersey Register* Vol. 25 No. 3, dated February 1, 1993. If you electronically transmit reports to DCA, you may contact the Bulletin Board and print out the complete text from item # 20.

Source: William Hartz
Chief, Bureau of Technical Services

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National Fuel Gas Code—New Edition

The 1992 edition of the *National Fuel Gas Code/NFPA 54/ANSI Z 223.1* is now available from the National Fire Protection Association. The new code contains a totally revised vent and chimney section, incorporating tables for fan-assisted, mid-efficiency heating units. These tables can be utilized in conjunction with section M-1212.4, which makes reference to approved vent tables. The code and tables can be ordered from:

NFPA
1 Batterymarch Park
Quincy, MA 02269
1-800-344-3555

The *BOCA National Mechanical Code*, which New Jersey has adopted as its mechanical subcode, is the code you are charged with enforcing. Bulletin 90-4 explains the relationship between NFPA 54 and the BOCA mechanical code under the Uniform Construction Code.

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Revoked and Suspended Builders

A builder who applies for a permit to construct a new home which is intended for sale must provide the construction official with evidence that he or she possesses a valid new home builder's registration card issued by the Bureau of Homeowner Protection. These cards are valid for two years unless the builder's registration is suspended or revoked in the interim. Since such suspensions and revocations occur routinely, merely examining the card is not sufficient. In addition to ensuring that the builder's card is current, you should be sure to review the latest Revoked and Suspended Builders list which is sent to you every three months. (Municipalities having access to UCCARS will find that additions to the most recent list are periodically included on the Bulletin Board.)

When you are at the point of issuing a Certificate of Occupancy, it is also necessary to check that the builder's status has not changed during the construction of the home.

You are urged to contact the Bureau of Homeowner Protection at any time to clarify the status of a builder or if you have any other questions concerning the New Home Warranty Program. The telephone number is 609/530-8800.

Source: Mary Ann Dombrowski
Bureau of Homeowner Protection

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Using UCCARS

Many control persons have found UCCARS to be an invaluable tool in reconciling their cash receipts at the end of each month. Yet, as we visit various municipalities, we find a surprising number of people who do not take advantage of these built-in capabilities.

Almost all offices run a Cash Receipts Audit Report each day to reconcile their cash drawers. Some, because they are required to make deposits every 48 hours, run the cash report every two days. In fact, many code enforcement departments have found that their treasurers accept printouts of the Cash Receipts Audit Report along with the daily deposits in lieu of the manual forms and

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reports they used to submit.

At the end of each month, many offices generate a Cash Receipts Audit Report for the entire month and compare it with the monthly Permit Fee Log Report. This provides an excellent double-check of your activities for the month, because the data that is printed and consolidated in both reports comes from two different sources. The Permit Fee Log contains actual permit and certificate fees that are calculated and levied as each permit is issued. The actual amount of cash and checks collected from each applicant is tallied in the Cash Receipts Report.

Ideally, at the end of each month the totals of both reports are identical. Realistically, most of the time they differ. But it is usually easy to identify the reasons for the differences and thus double-check the accuracy of both the Permit Fee Log and the cash receipts for the entire month.

Typically, the Cash Receipts Audit Report will show a higher total than the Permit Fee Log because many offices collect fees for services other than construction permits. These fees are recorded in the Miscellaneous Payment screen that has been provided in UCCARS for this purpose.

The first step in reconciling the two reports is to back out non-permit fees from the Cash Receipts Report (e.g., penalties, tax maps, elevator reinspection fees, etc.). If the totals still do not match, the next step is to check the total fee for each permit in the Permit Fee Log against the actual payment recorded for that permit in the Cash Receipts Report.

By first reconciling these reports, applying corrections to your UCCARS data as required, reprinting the corrected reports, then transmitting your data to DCA, you can ensure the accuracy of your monthly reports and of the data you transmit to DCA.

Source: Stan Kosciuk
President, Municipal Information Systems □

Continued Certificates of Occupancy and the Uniform Fire Code

Some confusion apparently exists regarding the issuance of Uniform Construction Code Continued Certificates of Occupancy (CCOs) and Uniform Fire Code (UFC) retrofit requirements. Some officials apparently interpret the issuance of a CCO as negating UFC retrofit requirements. This is not the case.

A CCO inspection is conducted by each of the appropriate subcode officials. The officials inspect the visible parts of the building to ensure that there are no violations of *N.J.A.C. 5:23-2.14* or *N.J.A.C. 5:23-2.32a*; specifically, to ensure that no work was done without a permit and that no unsafe conditions exist. The construction official, with the approval of the subcode officials, then establishes that no violations of law or orders of the construction official are pending, checks local records to establish that the use lawfully existed, and, finally, issues the CCO.

This Continued Certificate of Occupancy does not imply that the building or any specific part of it complies with the code; it merely indicates that the use has lawfully existed and that no

unsafe conditions are visible. Having a CCO does not eliminate any UFC retrofit requirements.

Should you have any questions, please telephone the Bureau of Regulatory Affairs at 609/530-8862.

Source: Gerald Grayce
Bureau of Regulatory Affairs □

Premanufactured Construction

"Premanufactured construction" is a generic term which is used to include all types of factory-built construction. The chart on page 5 indicates various categories of premanufactured construction covered under the New Jersey Uniform Construction Code. The chart also lists the critical items for each category, which should be helpful in understanding the specific requirements. (Note that premanufactured construction which has been approved and certified—carrying proper insignia of certification—in accordance with the New Jersey Uniform Construction Code shall be acceptable for installation in New Jersey.)

For the factory-built portion, any visible code violations (Federal Mobile Home Construction and Safety Standards in case of a mobile home) should be brought to our attention to enable us to take action to have the violations corrected.

Manufactured homes (formerly called mobile homes) are built to Federal Mobile Home Construction and Safety Standards. Certified (labeled) mobile homes shall not be subject to requirements other than those of the federal standards. Refer to Bulletin 88-2 in this regard. Also, Bulletin 80-6 describes the requirements for certification, support and anchorage system, and fire separation.

A construction permit is required for all on-site work related to installation of a certified premanufactured construction. The on-site work includes, but is not limited to, assembly, foundation system, external utility connections, installation, etc. The local municipal enforcing agency is responsible for inspection and approval of all on-site work.

For any questions relating to premanufactured construction, contact the Industrialized Buildings Unit at 609/530-8837.

Source: Paul Sachdeva, P.E.
Manager, Industrialized Building Unit □

Problem Children

When building projects contain some non-standard or especially complex features, there is help. Three Uniform Construction Code sections, each in its own way, address how to enforce code in those cases. They are *N.J.A.C. 5:23-2.19* Special Technical Services, 3.6 Standards; accepted practice, and 2.20 Tests and special inspections. Let's see what each section is, and what it isn't.

Section 2.19 Special Technical Services is particularly helpful where a homeowner has chosen to design his or her own private residence and the construction official has waived the requirements for plans sealed by an architect. Occasionally, among all the

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PREMANUFACTURED CONSTRUCTION

N.J.A.C. 5:23-1.4

	MANUFACTURED (MOBILE) HOMES	MOBILE HOME ADD-ON UNITS	BUILDING ELEMENTS	INDUSTRIALIZED/ MODULAR BUILDINGS	BUILDING COMPONENTS
DEFINITION/ CERTIFICATION	N.J.A.C. 5:23-1.4 N.J.A.C. 5:23-4.26(a)1	N.J.A.C. 5:23-4.26(a)3	N.J.A.C. 5:23-4.26(a)2	N.J.A.C. 5:23-4A.4 N.J.A.C. 5:23-4A.9(a)	N.J.A.C. 5:23-4A.4 N.J.A.C. 5:23-4A.9(a)
ACCEPTABILITY	N.J.A.C. 5:23-2.22(a)	N.J.A.C. 5:23-2.22(a)	N.J.A.C. 5:23-2.22(a)	N.J.A.C. 5:23-2.22(a) N.J.A.C. 5:23-4A.3(a) N.J.A.C. 5:23-4A.11(a)	N.J.A.C. 5:23-2.22(a) N.J.A.C. 5:23-4A.3(a) N.J.A.C. 5:23-4A.11(a)
CONSTRUCTION STANDARDS	FEDERAL M.H.CONST. & SAFETY STANDARDS PART 3280	N.J. UCC/M.H. SUBCODE N.J.A.C. 5:23-3.19	N.J. UCC N.J.A.C. 5:23-4.26(a)2	N.J. UCC N.J.A.C. 5:23-4A.5(a)	NJ UCC N.J.A.C. 5:23-4A.5(a)
INSIGNIA (LABEL) REQUIREMENT	FEDERAL INSIGNIA N.J.A.C. 5:23-4.26(a)1	N.J. DCA M.H. ADD-ON INSIGNIA N.J.A.C. 5:23-4.26(a)3	N.J. DCA COMPONENTS INSIGNIA N.J.A.C. 5:23-4.26(a)2iii	N.J. DCA MODULAR UNIT INSIGNIA N.J.A.C. 5:23-4A.12(b)&(c)	N.J. DCA COMPONENT INSIGNIA N.J.A.C. 5:23-4A.12(c)3
ASSEMBLY/ INSTALLATION AT SITE	ON-SITE WORK (FOUNDATION, ETC.) PLANS & SPECS SIGNED & SEALED BY N.J. P.E. OR R.A.	ON-SITE WORK (FOUNDATION, ETC.) PLANS & SPECS. SIGNED & SEALED BY N.J. P.E. OR R.A.	PLANS & SPECS. SIGNED & SEALED BY N.J. P.E. OR R.A.	ON-SITE WORK (FOUNDATION, ETC.) PLANS & SPECS SIGNED & SEALED BY N.J. P.E. OR R.A.	PLANS & SPECS SIGNED & SEALED BY N.J. P.E. OR R.A.
REQ'D INSPECTIONS BY LOCAL MUNICIPAL ENFORCING AGENCY	N.J.A.C. 5:23-2.22(a)&(b) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (FEDERAL) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, EXTERNAL UTILITY SYSTEMS, FOUNDATION, ETC. 4. NON-DESTRUCTIVE TESTING	N.J.A.C. 5:23-2.22(a)&(b) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (FEDERAL) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, EXTERNAL UTILITY SYSTEMS, FOUNDATION, ETC. 4. NON-DESTRUCTIVE TESTING	N.J.A.C. 5:23-2.22(a)&(b) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (UCC) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, FOUNDATION, ETC.	N.J.A.C. 5:23-2.22(a)&(b) N.J.A.C. 5:23-4A.11(b)(c)&(e) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (UCC) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, EXTERNAL UTILITY SYSTEMS, FOUNDATION, ETC. 4. NON-DESTRUCTIVE TESTING	N.J.A.C. 5:23-2.22(a)&(b) N.J.A.C. 5:23-4A.11(b)(c)&(e) 1. VISIBLE SIGNS OF DAMAGE 2. VISIBLE CODE (UCC) VIOLATIONS 3. ALL ON-SITE WORK 1/c ASSEMBLY, INSTALLATION, EXTERNAL UTILITY SYSTEMS, FOUNDATION, ETC. 4. NON-DESTRUCTIVE TESTING

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standard features on such a home, the owner wants a special structural design effect, or a unique soil or site problem exists. Then the enforcement agency can determine that an architect or engineer is needed to address just such a problem area. The owner pays less than a total design fee and the officials have established an appropriate safety level (see *N.J.A.C. 5:23-2.15* (e)3 vi).

Another application of section 2.19 can be made in a professionally signed/sealed permit application where a specialist within or outside the same profession is required, who would then perform a specialized task under the supervision of the professional of record. But, when plans simply do not measure up to the required clarity and completeness called for at sections 2.15 and 9.2, a plan rejection for that cause is appropriate. A requirement for special technical services is not.

Section 3.6 Standards; accepted practice can be applied when Chapter 23, the UCC regulations, is silent. Guidelines already exist for "materials, equipment, system or method" specified (as compared to above section 2.19 where guidelines are lacking and custom services must be performed). These alternative guidelines are the referenced standards as listed in the appendices, and lastly a manufacturer's installation recommendations.

It is handy to arrange our code enforcement texts in the proper pecking order, starting at the top: 1) The Uniform Construction Code, which adopts the 2) subcodes. These refer to 3) standards listed in the appendix. And finally, 4) manufacturer's installation recommendations. Item four is the last resort, so to speak—to be used only where items one through three are inapplicable or silent. Remember, mixing and matching these items at will is not allowed. You have to observe this order of importance.

Section 2.20 Tests and special inspections relates mainly to the BOCA *National Building Code* article on materials and tests, and to tests required by the plumbing and mechanical subcodes. New Jersey's building subcode amendment states that special inspections are universal for class I structures, elsewhere occurring only "when requested." Of the three code sections we are discussing, this is the only one concerned primarily with the construction phase. Subsections 2.20 (a) and (b) give us the choice of conducting the required proofs of performance "live" under the supervision of the enforcing agency, or presenting the agency with the *fait accompli*—namely, a formal proof in writing of compliance with approved test standards. BOCA outlines clearly when a request from an enforcement agency for a special test is justified. It also explains that the practice should be confined to instances where we have no applicable regulations, or where a project cannot be subjected to "approved engineering analysis," or was designed and built by methods other than the adopted applicable material design standards.

Again, but in bird's eye view:

UCC section 2.19: Use generally prior to construction. It authorizes requiring project-specific professional design solutions to unique problems.

UCC section 3.6: Use generally prior to construction. It establishes manufacturer's installation instructions as accepted engineering practice if subcodes and referenced standards are silent.

UCC section 2.20: Use during and at the end of construction. This shows test procedure. Enforcement agencies can require special tests and inspections where the means provided by above UCC sections (design by approved engineering analysis) are unavailable.

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services □

Municipal Court and UCC Violations Don't Mix

After more than sixteen years since the implementation of the Uniform Construction Code, the Department is still receiving copies of municipal summonses citing Uniform Construction Code regulations. Construction code officials are reminded that Uniform Construction Code violations and municipal court do not mix. Municipal court is not the proper forum for the adjudication of a Uniform Construction Code violation. The only matter a construction official should bring to municipal court is a penalty enforcement matter, either after a determination by the construction board of appeals or after the party has failed to respond to the notice of violation and order to pay penalty.

The construction board of appeals was established to provide a forum for adjudicating violations arising under the Uniform Construction Code Act and Regulations. Board members are required by regulation to have sufficient expertise to deal with construction code-related matters. Bringing an action in municipal court often causes delay in obtaining compliance and may even lead to the municipal judge ruling on matters which are completely out of his or her expertise and jurisdiction. Code officials are urged to avoid these problems in the future by bringing their enforcement actions in the proper forum—the construction board of appeals.

Source: Robert Hilzer
Bureau of Regulatory Affairs □

TDD Communication Available

The Construction Code Element has installed a Telecommunication Device for the Deaf (TDD). The hearing impaired may now communicate with the Department by using their TDD and calling 609/530-8799. This number will soon be on all Construction Code Element letterhead. Do not use this number unless you are using a TDD. □

Stormwater Discharge Permit Program

On November 2, 1992, regulations for the Statewide Industrial Stormwater Permitting Program became effective, requiring that existing and proposed construction and mining activities secure a stormwater discharge permit. Construction activities with land disturbances of five acres or more in size, or that disturb less than five acres but are part of a larger plan of development or sale, or mining/quarrying activities of any size which do not involve

treatment of mined materials with detergents, oils or other chemicals may be eligible for a construction general permit authorization from the local soil conservation district. For new construction and mining activities, this prior approval must be secured by the owner before commencement of construction or mining.

This program is implemented in coordination with the New Jersey Department of Agriculture-State Soil Conservation Committee, the local soil conservation district, and the Department of Environmental Protection and Energy.

Conservation district authorization of the general permit is pursuant to the technical requirements for water quality protection in the Soil Erosion and Sediment Control Act program. For new project activities, a general permit application should be submitted to the conservation district at the same time as soil erosion and sediment control plan certification is sought. A discharge permit must be obtained for construction and mining activities which began prior to November 2, 1992 if construction will not be completed by May 1, 1993.

For further information, contact the local conservation district (see directory in DCA Bulletin 91-2), State Soil Conservation Committee at 609/292-5540, or the NJDEPE at 609/633-7026.

Source: James Sadley

New Jersey Department of Agriculture

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Lead-Free Solder

(A new article on an old topic)

Back in 1987 there was quite a stir about solder used in potable water systems. Unfortunately, this was one of those issues that burst on the scene and are then forgotten few years later, when they are not so new and fresh. It kind of reminds me of the World Series: there is so much hype in the months around the event, but after some time has passed, you can't remember who won. How many of you remember who won the 1987 World Series? Those of you who know can stop reading. But, for the rest of you, I'd like to recreate what was going on in 1987.

1987: Ronald Reagan was President, the stock market crashed in October, and the Kansas City Royals won the World Series against the St. Louis Cardinals. Also, the DCA, upon the advice of health authorities, was mandating that lead-free solder used in potable water piping contain .2 percent or less of lead. Why?

As I alluded to, the reason was HEALTH. Ingestion of lead in sufficient quantities causes a myriad of adverse health effects. Lead is known to cause damage to the nervous system, reproductive system, gastrointestinal system, and kidneys. Children, whose systems absorb lead more readily, are at the greatest risk for lead poisoning.

One of the main sources of lead poisoning was traced to lead-based paints; another source was identified as lead solder used in potable water piping. Stagnant (not moving) water in pipes where lead solder was used will eventually act as a solvent, causing the lead from the joints to leach into the drinking water. If the water is ingested and the concentration of lead is high enough, lead poisoning can result. The use of lead-free solders helps ensure that a safe

potable water supply is maintained.

So, what's my point? And what makes me think you don't remember all this? Well, besides the fact that you didn't remember the 1987 World Series, there have been several lawsuits regarding installations where lead solder was used *after* 1987.

Solders are required to be identified by a "type designation" on the spool or container. "Type designation" includes alloy composition, allowing you to determine it is lead-free. If there is doubt that lead-free solder was used, test kits are available. For more information, call 609/530-8793 and ask for me.

Source: Michael Baier

Code Assistance Unit

Bureau of Technical Services

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New Jersey Register Adoptions

- | Date | Adoption |
|---------|---|
| 12/7/92 | 24 NJR 4344(a) Notice of Administrative Correction, Licensure of Code Enforcement Officials, General License Requirements: <i>N.J.A.C. 5:23-5.5</i> , effective upon publication. |
| 2/1/93 | 24 NJR 463(c) Administration and Enforcement Process; Increase in Size. Adopted Amendments: <i>N.J.A.C. 5:23-2.5</i> , effective 2/1/93. |
| 3/1/93 | 25 NJR 920(a) Readoption: <i>N.J.A.C. 5:23</i> , effective 2/3/93. |
| | 25 NJR 920(b) General License Requirements Elevator Inspectors, Adopted Amendments: <i>N.J.A.C. 5:23-5.4</i> and <i>5.5</i> , effective 3/1/93. |

Source: E. Maria Roth

Code Assistance Unit

Bureau of Technical Services

Correction

There was an error in the Summer 1992 *Communicator* article, "Means of Egress Lighting and Barrier Free Access." The article should read that the plan review responsibility of Article 8 of the building subcode is the *joint* responsibility of the building and fire protection subcode officials as per *N.J.A.C. 5:23-3.4(a)1*, and *not* the exclusive responsibility of the building subcode official, as the article currently reads.

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Americans with Disabilities Act II	1	1	Food Establishments: DOH Review	1	3	Penalty Enforcement Proceedings	4	2
Anti-Scald Valves	4	2	Foundation Requirements	2	5	Permit Coordination Course	2	11
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Jim Florio, Governor

Department of Community Affairs
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Summer 1993

12th Annual Building Safety Conference

The Building Safety Conference just seems to keep improving year after year. Most attending thought that this was the best conference yet.

On Wednesday night, May 5, over 325 inspectors attended the Crackerbarrel roundtable discussion session. Most of the 35 tables, where individual topics were discussed, were full for all three rounds. The only complaint was that the session should be longer—maybe four or five rounds.

On Thursday and Friday, May 6-7, 619 inspectors attended two of the 26 seminars being offered. Most inspectors rated the seminars good to excellent.

The highlight of the conference—and its main purpose—was the luncheon to honor the Inspectors of the Year. The recipients of these awards were:

- Electrical Inspector: Victor V. Timpanaro of Old Bridge Township
- Fire Protection Inspector: Patsy K. Townsend of Neptune Township
- Plumbing Inspector: Sal R. DelCorso of the Borough of North Caldwell
- Building Inspector: Russell B. Lindsay, Jr. of Denville Township

Congratulations to all four individuals! As I said at the conference, these four are the Best of the Best for 1993.

[Please turn to the center pages of this newsletter for photos of the Inspectors of the Year.]

Source: William Hartz
Chief, Bureau of Technical Services

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Spouse's Program

As in past years, the 12th annual Building Safety Conference Spouse's Program was a great success. The group enjoyed such varied activities as a program on casino gambling, Miss America interviews, a trip to Smithville, and a presentation by Ruth Green, Intuitive Counselor. During the in-house sessions, the spouses were enthusiastic, asked a lot of questions, and became very involved in the session with Ruth Green. Participants in the Smithville trip reported that the food, ride, and DCA staff were excellent, and even the weather cooperated.

Of 69 spouses who attended the conference, 46 responded to the survey. Based on the outcome of that survey, plans are in the works for a tour of Cape May next year. See you then!

Source: Cecilia Heredia
Coordinator, Spouse's Program

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Architects' Sealed Drawings and Work of a Minor Nature

"As a subcode official/construction official, must I require a sealed drawing from a person who is doing some simple construction?"

To respond to this question, we need to know what the caller means by "simple construction." To some degree, this situation requires a judgment call from the official.

We are well aware that homeowners may prepare their own drawings for the construction, alteration, and/or repair of a structure used or intended to be used exclusively as their private residences. But what about the small business owner who wishes to construct interior non-bearing partitions? Should an architect's sealed plan be required? *N.J.A.C. 5:23-2.15(e)1.viii* allows the construction official, upon the advice of the appropriate subcode official, to waive the requirements of plans when the work is of a minor nature.

"Minor nature" is not defined in the regulations; this is where good judgment and common sense are needed to analyze construction. Asking specific questions regarding the proposed construction may help guide you in making a decision. In the case of the interior non-bearing partition, is the type of construction material inconsistent with the building's type of construction? Is egress involved? Are fire-resistive rated assemblies required? Will a fire protection/sprinkler system be impacted by the proposed partition? If most of the answers are no, then you can feel comfortable considering this work to be of a minor nature. If the answers are yes, plans are required. It's your call; use good judgment.

Source: Gerald Grayce,
Bureau of Regulatory Affairs

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Construction Applications and Technical Sections

The Bureau of Regulatory Affairs frequently receives calls from developers who tell us that a local construction official is refusing to accept a construction permit application because one or more of the technical sections has not been completed by the tradesperson—licensed electrician, licensed plumber, or fire sprinkler contractor—involved. The application and plans are otherwise complete.

The construction official is incorrect in doing this. *N.J.A.C. 5:23-2.15 Construction Permits: Application* explains that certain information is required for application acceptance. Section (b) of 2.15 further indicates that certain other information is required to be available at the time of the application, but not later than the commencement of the work involving that specific trade. The names of the building, electric, fire, and plumbing contractors fall into this category.

For example, a developer submits an application and plans for a project. The subcontractors have not yet been awarded the

specific contracts. You as construction official are required to accept the application, review the drawings, and approve or deny the application. Then, upon submission of the various technical sections, indicating the name(s) of the contractor, sealed by a licensed plumber and electrician, those sections of the permit get released.

Should you have any questions, please call 609/530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs

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Tax Collection and the UCC

Municipalities often attempt to collect real estate tax arrearages by enacting ordinances which require the payment of all outstanding real estate taxes or assessments for improvements as a precondition for obtaining a construction permit or certificate of occupancy. The Department, after consultation with the Attorney General's office, has determined that said ordinances are not legally appropriate.

This issue has been addressed in Superior Court on several occasions since the enactment of the Uniform Construction Code. In *Home Builders League, etc. v. Evesham Township*, 174 N.J. Super. 252 (Law Division, 1980) a municipality had enacted an ordinance requiring applicants for a construction permit or certificate of occupancy to submit proof that they owed no real estate taxes or assessments for improvements. In striking down the ordinance, the court noted that the State, through the enactment of the Uniform Construction Code, had preempted the area of construction code enforcement and, therefore, municipalities were prohibited from imposing any additional requirements for the issuance of a construction permit or certificate of occupancy. This case has never been overruled, and was, in fact, cited with approval in *Matter of Cherry Hill Township* 217 N.J. Super. 140, 143 (App. Div. 1987).

Other cases arising out of Atlantic and Ocean counties have had the same result. In *Ocean County Realtor Board v. Beachwood Borough*, 248 N.J. Super. 241 (Law Division, 1991), the court held that such an ordinance was also invalid because it was preempted by the State Tax Code, Title 54, which did not sanction such a practice to coerce the payment of any overdue taxes, as well as water or sewer charges.

If a municipal construction code official learns that an ordinance of this nature is being considered by the municipality, he or she should indicate to both the municipal attorney and the municipal governing body that the ordinance will be subject to court challenge and ultimately declared invalid. The official can point to both the poor track record such ordinances have had in the courts and to the preemption of the Uniform Construction Code in this area. The municipality should take another approach in attempting to solve its tax collection problems.

Source: Robert Hilzer
Regulatory Affairs

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What's New with the Barrier Free Subcode?

Over a year ago, we informed all construction officials that we intended to adopt technical standards that matched the technical requirements of the Americans with Disabilities Act (ADA). At that time, we were not entirely certain how we would accomplish that. Now that we are sure, I want to take this opportunity to bring you all up to date.

In September 1992 at its code change hearing, the BOCA membership accepted a code change proposal that expanded the BOCA accessibility section and mainstreamed some accessibility requirements into the appropriate section of the building code. The code change proposal consists of two parts—Chapter 11 of the 1993 *Building Code*, which contains the scoping requirements, and the adoption by reference of CABO/ANSI 117.1, which provides the technical standards. The scoping section tells which parts of which buildings must be accessible; the technical standard tells how to make those features accessible.

Department staff is in the process of preparing a proposal which will be published in the *New Jersey Register*. The proposal will delete the building portion of the Barrier Free Subcode (BFSC), *N.J.A.C. 5:23-7.1-7.99* (*N.J.A.C. 5:23-7.100-7.116*, the BFSC section on outdoor recreation, will be kept). At the same time, Chapter 11 of the *BOCA Building Code* and CABO/ANSI 117.1 will be proposed for adoption as the accessibility requirements in New Jersey. BOCA will be amended only for full compliance with federal and state law. Included in the rule proposal will be the announcement of a public hearing. The transcript of the public hearing with a copy of the model code and the technical standard will be sent to the US Department of Justice in Washington, DC, for certification.

The effect of the ADA has been to establish a national standard for access. The BOCA-CABO/ANSI code takes the requirements of the federal civil rights law and puts them into enforceable code terms. Thus, although code officials will not enforce the ADA itself, once the BOCA-CABO/ANSI package is adopted, you will enforce building code and technical requirements that will substantially be the same.

Source: Emily Templeton
Code Development Unit

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Radon Mitigation in Existing Buildings

Design versus retrofit. Trying to make a silk purse out of a sow's ear. I've thought of a number of analogies to try to relate radon techniques for new construction to radon techniques in existing buildings. The fact is, Subchapter 10 just isn't applicable to existing buildings.

When you are building something *new*, you are able to incorporate into the building design features to handle any possible future occurrence. This is the philosophy of the Radon Hazard Subcode. However, when a building already exists, the philosophy

is to reduce the radon level to an acceptable level, at minimum cost and alteration to the building. These reduction techniques may be less than what is mentioned in Subchapter 10.

So, what standards apply to existing homes? None, as far as the radon mitigation system is concerned. The proper functioning of the radon mitigation system is left up to the certified mitigation installer. The code official's primary responsibility is to ensure that the mitigation work does not violate any UCC provisions. For example, firestopping at floor penetrations, proper installation of receptacles, and proper sealing of wall and roof penetrations would all be things of interest to the inspector when a mitigation system is installed.

Source: Michael Baier
Code Assistance Unit

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UST Certification

What has seven levels but is rarely seen by code officials in New Jersey? DEPE Underground Storage Tank (UST) Certification, that's what!

It's one of the best-kept secrets since the Manhattan Project. A DEPE certification is required for any work performed on underground storage tanks regulated by *N.J.A.C. 7:14B* (for a list of which tanks are regulated, see 5:23-3.11B in the UCC).

Certifications are broken down into the following seven classifications:

1. Installation—Entire UST system
2. Release Detection Monitoring Only
3. Closure
4. Tank Testing
5. Subsurface Evaluation
6. Cathodic Protection Specialist
7. Cathodic Protection Tester Only

Code officials should determine that contractors possess the proper certification for the work being performed. Additional information can be obtained from the Bureau of Underground Storage Tanks at 609/984-3156.

Source: Michael Baier
Code Assistance Unit

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On-site Installation of Underground Electrical Conduits

On March 19, 1993, the Appellate Division of the Superior Court of New Jersey affirmed the Deputy Attorney General's opinion that laying underground electrical conduits on public or private property is not statutorily reserved to licensed electrical contractors, and, therefore, may be performed by general or utility contractors employing general laborers.

In February 1991, Deputy Attorney General Douglas J. Harper in a formal letter opinion advised the Board of Electrical Contractors that laying underground conduits exterior to the build-

(continued on page 4)

(continued from page 3)

ing was *not* electrical contracting work under the Licensing Act. He reasoned that such work did not require any special electrical expertise other than basic construction skills, and he rejected the Board's premise that all work referenced in the *National Electrical Code* (NEC) must either be performed or supervised by licensed electrical contractors. Consequently, in the summer of 1991, DCA gave notice that the installation of electrical conduits exterior to the building, without handling either energized or non-energized electrical conductors, was not electrical contracting work within the meaning of the Licensing Act. Nevertheless, such work remains subject to the other requirements of the UCC, such as construction permits and inspections.

The Appellate Division agreed with the Attorney General's argument that it was the fundamental nature of the work involved, not the mere reference of such work in the NEC, that dictates whether licensure is mandated. The Court's opinion was that the NEC and UCC define the manner in which the work shall be performed, and the legal interpretation of the Act determines whether the work requires licensure. The interpretation of a licensure statute, according to this Court, is a function reserved exclusively for the Attorney General as the Cabinet head of the Department of Law and Public Safety.

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

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Financial Reports: CO's Responsibilities

N.J.A.C. 5:23-4.17(b) provides that the construction official, in consultation with the municipal finance officer, is required to prepare and submit to the governing body an annual report within 41 days after the close of the budget year. The report is to detail the receipts and expenditures of the enforcing agency for the preceding budget year, and to give recommendations for a fee schedule/staffing needs for the coming year based upon the operating expenses of the enforcing agency. Immediately upon completion, a copy of the annual report must be filed with the Bureau of Regulatory Affairs.

The UCC-LEA Budget Certification is a separate form submitted by the municipal finance officer to DCA per the requirements of the Division of Local Government Services. Both the finance officer and the construction official must sign the UCC-LEA Budget Certification form. The construction official's signature indicates that he or she has only viewed the UCC-LEA form; the finance officer is responsible for the contents and accuracy of the UCC-LEA Budget Certification.

Construction officials should be aware that the UCC-LEA form is not a substitute for the construction official's annual report required under the UCC regulations. The construction official is responsible for submission of the annual report. If further clarification is needed, please contact the Bureau of Regulatory Affairs at 609/530-8838.

Source: Henry Riccobene
Bureau of Regulatory Affairs

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Mechanical License Available

Effective May 3, 1993 the Mechanical Inspector license was approved and appeared as an adoption in the *New Jersey Register*. In order to obtain a mechanical inspector license, you must:

1. Be a licensed inspector in another subcode area.
2. Submit a license application (TL4) and the appropriate fee (\$43.00).
3. Document successful completion of two National Certification Test Modules: 4A Mechanical 1 & 2 Family and 4B Mechanical General.

To obtain an application, call the Licensing Unit at 609/530-8803.

Source: William Hartz
Chief, Bureau of Technical Services

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Municipal Mechanical Inspection Procedures

The use of a mechanical inspector for Use Groups R3 and R4 is voluntary. If a municipality chooses to use a mechanical inspector, several procedures must be followed. These are:

1. The municipality must have an employee who holds a valid mechanical inspector's license.
2. The municipality must establish a fee, by ordinance, for the inspection of mechanical equipment in Use Groups R3 and R4. This shall be a flat fee and will include the gas, fuel oil, or water piping associated with the mechanical equipment being inspected. The municipality should consider a reduced fee for any additional mechanical equipment installed on the same permit.
3. If the mechanical inspector is a working municipal subcode official in the municipality, he or she may sign off on all mechanical equipment plan review and inspection, except electrical, for mechanical equipment in Use Groups R3 and R4.
4. If the mechanical inspector is a municipal employee, but not an appointed municipal subcode official, the mechanical inspector shall be assigned by the construction official to a designated subcode official.
5. The municipal mechanical inspector or subcode official will be a licensed official in another subcode. The mechanical inspector may continue to use the standard form technical section with which he or she is most familiar, except elevator. All of these forms have at least one line for "Other." On that line enter "Mech Insp R3/4" (as space permits, enter type of equipment, e.g., furnace, water heater) and the municipal fee. Sign-off by the subcode official will also be on this form. If the mechanical inspector function is as successful as we believe it will be, and the responsibilities continue to increase, a separate mechanical form will be developed.

6. When entering the fees in either your computer or permit fee log, enter the mechanical fees under the subcode to which the mechanical inspector is assigned. For example, if the mechanical inspector is the plumbing subcode official, the mechanical fees would be entered under plumbing. One of the purposes for recording fees by subcode is to be able to compare income and expenses by subcode. Since, in this example, the plumbing subcode is doing the work, the fees should be "credited" to the plumbing area. If the mechanical inspector is the subcode official in more than one subcode, the construction official shall decide which form shall be used and to which subcode the fees shall be applied.

Source: William Hartz
Chief, Bureau of Technical Services

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1994 Building Safety Conference

The 13th Annual Building Safety Conference of New Jersey will be held May 11-13, 1994, at the Taj Mahal Casino Resort in Atlantic City. The room rate will be \$85.00 a night for single or double occupancy, and we anticipate the registration fee to be about \$45.00

For the 1994 Conference we are going to attempt something new—a trade show or product expo. We are just beginning to work on the plans, but the schedule may look like this:

May 11, 1994

- 10:00am–4:00pm: Product Expo
40 vendors with various displays and products for the inspectors' review
- 6:00pm–7:30pm: Crackerbarrel

May 12, 1994

- 8:00am–4:00pm: 13 seminars and the Inspector of the Year Luncheon

May 13, 1994

- 8:00am to 1:00pm: 13 seminars

When you receive your registration form, you will have a choice of three ways to register:

1. Wednesday–Thursday: Product Expo, Crackerbarrel, one seminar, and Luncheon
2. Thursday–Friday: Normal conference registration for two seminars and the Luncheon. Those arriving Wednesday night may attend the Crackerbarrel.
3. Wednesday–Friday: Those who want to make this a three-day conference may attend all functions.

The registration fee will be the same no matter which option you select.

Source: William Hartz
Chief, Bureau of Technical Services

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Critical Comments on the 12th Annual Building Safety Conference

Just because we had the most successful Building Safety Conference ever doesn't mean we can't improve. We have reviewed your evaluations and several comments for improvement appeared a number of times. They are:

1. "Have a longer Crackerbarrel—three sessions are not enough." We know this is true, but three sessions seem to be the limit for the *presenters*. Also, remember that we are in Atlantic City, and after an hour and a half of code discussion, most are ready for other activities.
2. "There should be more room for the Crackerbarrel. The tables are too close together, and it is noisy and hard to hear." We agree. This is the largest group we have ever had—more than 325 inspectors. Next year we will try for two sections of the ballroom and space the tables further apart.
3. "The buffet breakfast wasn't open before the seminars." Next year we will try to arrange for the buffet (Sultan's Feast) to open at 7:00am.

Finally, 318 evaluations were returned with a choice of location for next year. A total of 285 wanted to return to the Taj Mahal and 33 to various other locations. About a dozen suggested the Showboat. We have looked at the Showboat, but their conference space is about half of what we have at the Taj. Limiting our conference to 300 participants just would not work.

Source: William Hartz
Chief, Bureau of Technical Services

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"The Boss": A Brief Return to the Issue

Some time ago, I wrote an article prompted by misunderstandings that we hear about regularly. We should all know to whom we answer and for what activities. Why, though, do we still hear mayors ask, "Why does my town have to pay the construction official's salary when he works for the DCA?"

In other words, we continue to get feedback from municipal officials, including DCA-licensed officials, that shows us the misunderstandings continue. The purpose of this little article is to ask that our licensed officials not perpetuate the problem.

A construction code enforcing agency official works to the benefit of municipal property owners, renters, and the community in general. The official is an employee of the municipality and paid by the municipality for performing construction code enforcement functions. The DCA cannot hire, nor can the DCA fire, a municipal official.

Because of the specialized nature of the work done by DCA licensees, jurisdiction over evaluation and investigation of that construction code enforcement work quality is reserved by New

(continued on page 8)



Left: Victor V. Timpanaro, Electrical Inspector of the Year, and Richard Marshall, President of Municipal Electrical Inspectors Association of New Jersey.

Electrical

12th Annual Building Safety Conference

Fire Protection



Right: Raymond Welch, President of the Fire Prevention and Protection Association of New Jersey, and Patsy K. Townsend, Fire Protection Inspector of the Year.



Plumbing

Above: Rene Campomizzi, President of New Jersey State Plumbing Inspector's Association, and Sal R. DelCorso, Plumbing Inspector of the Year.

Inspectors of the Year 1993—The “Best of the Best”



Building

Above: Russell B. Lindsay, Building Inspector of the Year, and Joseph Montemarano, President of the Building Officials Association of New Jersey.

(continued from page 5)

Jersey common law to the DCA. Plainly speaking, there is a certain intended protection for the local official in the above split of jurisdiction. Some working officials have experienced pressure from their superiors to issue UCC permits, certificates of occupancy, etc., that may not legally be issued under the Code and which can result in a permanent safety hazard for the public. What looks like unreasonableness on the part of the official may be insistence on code compliance.

A refusal in such a situation is not insubordination, but rather a refusal to disobey the law, that is, the Uniform Construction Code statute and legally adopted regulations.

To DCA-licensed officials, we say, *please* don't tell your boss, "I don't work for you, I work for the DCA." That's wrong.

To other municipal officials, we say, please take the above into consideration and contact us freely. We discuss this issue often and are more than willing to assist in clarifying jurisdictional questions and in obtaining answers to technical and administrative questions surrounding the UCC.

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

"Please Don't Count the Grass Seed"

Is it an enforcing agency's job to sort through items of work in a remodeling contract and sift out non-UCC work? No. Occasionally, however, Regulatory Affairs will get a complaint from a contractor, the gist of which is that the contractor was required to pay cost-based permit fees on the "bottom line" contract price, even though much of what was being done was non-UCC work.

As you know, non-UCC charges that are often included in a remodeling contract are labor and materials on painting, landscaping, even refrigerators in a kitchen remodeling job.

Yet an owner most often signs one contract to cover all items inclusive.

What does one do from "behind the counter" when the contractor comes in to obtain a permit and presents his contract as a basis for the permit fee? The idea is to collect a proper fee but not make it so burdensome as to discourage obtaining a permit, with all the problems the latter road can lead to.

I would be interested in hearing about your approach in response to this article.

My suggestion has been that the contractor step aside at the counter, eliminate contract items that do constitute non-UCC work from the contract total, and add up the remainder for purposes of the permit application. A copy of the contract with those items marked out can be provided to the municipality as appropriate. (Should the question of percentage of alteration become an issue, accuracy becomes even more important!)

The above suggestion is not ideal, and I would welcome ideas based on your experience. Thanks.

Source: Vivian Lopez
Chief, Bureau of Regulatory Affairs

Termination of Fire Protection Inspector–RCS License

As of July 31, 1993, the Fire Protection Inspector–RCS license will no longer be valid due to its being incorporated into the Fire Protection Inspector–ICS level of licensure.

Persons possessing the Fire Protection Inspector–RCS license will lose this license as of the above date. Also, individuals possessing the Fire Subcode license along with the Fire–RCS license will lose both licenses. And finally, individuals who have a Construction Official license by virtue of their Fire–RCS and Fire Subcode Official licenses will lose the Construction Official license as well.

An exception to all of the above would be individuals who apply and qualify for the Fire Protection–ICS license prior to July 31, 1993. In the event a person does not qualify for the Fire Protection Inspector–ICS license by this date, this person will lose the Fire–RCS license along with any other relevant dependent license as referenced above, but may apply at a later date for the Fire–ICS license when qualified to do so. It is important to note here that successfully completed approved courses are valid for an indefinite period of time at present, and that test modules are only valid if successfully completed within three years prior to the date of application for licensure.

If you have any questions concerning this matter, please call the Licensing Unit at 609/530-8803.

Source: Frank L. Salamandra
Supervisor, Licensing Unit

Asbestos Hazard Abatement: New Subchapter 8

Construction officials: this means you! Until now, many of you had only minimal involvement with Subchapter 8, the Asbestos Hazard Abatement Subcode. A new revision of Subchapter 8, printed in the *New Jersey Register* June 7, 1993, will change your responsibilities. As with other subcodes, however, the six-month grace period at *N.J.A.C. 5:23-1.6(b)* will allow applicants to comply with existing regulations for projects already begun (bid, planned, permitted) until December 7, 1993.

As you may already be aware, Subchapter 8 directly applies to asbestos removal from all schools (public, private, daycare and nursery facilities, elementary, secondary, vocational, and college) and to municipal, county, and state buildings, or to buildings leased by municipalities, counties, and the State and regularly used or occupied by public employees. Under existing regulations, the construction official is responsible for issuing asbestos removal permits based on the signed release of the plans by an Asbestos Safety Control Monitoring firm (ASCM). See *N.J.A.C. 5:23-8.7(c)3*. The construction official has also been responsible for granting a certificate of completion or a certificate of occupancy for completed projects when the asbestos safety technician (AST) assures the official that five "clean" final air sample results have

been received. Under the old (existing) regulations, asbestos could be removed from occupied Subchapter 8 buildings only if plan review was done by the State and a variation was granted. In the future, there will be no need for applicants to get state plan review and a variation to perform removal in occupied buildings. The new regulations set forth what is required in an occupied building, and the local officials can perform the necessary administrative tasks.

When you receive a copy of the revised Subchapter 8, pay close attention to the following duties:

N.J.A.C. 5:23-8.4 allows you to grant variations which the ASCM firm recommends. If you have any question as to whether a requested variation meets the purpose and intent of the subcode, you should contact the Department's Asbestos Unit for advice. Especially during the first year that revisions to the subcode are in effect, questions will help us know if changes to the code are working.

N.J.A.C. 5:23-8.5(e)4 describes the "cursory" plan review to be performed by the municipality. Is exiting as per BOCA sufficient? Is there work other than asbestos removal which will require a permit? Will the asbestos removal alter the structure so that it is out of compliance with fire subcode requirements? The subcode now requires that separation barriers constructed for abatement projects be of materials appropriate for the class and type of construction, and that polyethylene sheeting used be flame resistant. These requirements are at *N.J.A.C. 5:23-8.15(e)4* (unoccupied buildings) and at *N.J.A.C. 5:23-8.19(c)1* (occupied buildings). Under *N.J.A.C. 5:23-8.19(b)* you will receive an exit plan for building occupants. "Occupants" are those other than asbestos removers and custodial staff. Make sure that the exit plan will work for the site.

N.J.A.C. 5:23-8.6 tells how to coordinate an asbestos removal permit with other permits. An architect's or engineer's certification or a contractor's certification concerning the extent of asbestos in a building which is to be repaired, renovated, or demolished shall be furnished to the construction official according to *N.J.A.C. 5:23-8.6(a)*, and if asbestos is to be disturbed, an assessment by the New Jersey Department of Health (DOH), county or local health department, or other private business entity authorized by DOH shall be required unless waived under *N.J.A.C. 5:23-8.6(b)*. You will find in *N.J.A.C. 5:23-8.14* that other types of work which may require a construction permit under the UCC, such as mechanical, electrical, plumbing, or general construction work, do *not* require an asbestos removal permit if they involve the mere "disturbance" of some asbestos-containing material (acm). "Disturbance," however, should not result in more than 10 linear nor more than 25 square feet of acm coming out of a building, so you will know if applicants are applying for a regular construction permit and failing to admit that they are doing removal work.

N.J.A.C. 5:23-8.7(f) enables you to issue a stop work order during an asbestos removal if the AST, after attempting to stop work, asks for your assistance in getting the contractor to comply with the code. The AST is to be present during the entire abatement project to ensure that all work is done properly and that accurate records are maintained.

N.J.A.C. 5:23-8.8 enables you to issue a certificate of occupancy or a certificate of completion for portions of buildings which have undergone acm removal. You rely on the certification of the ASCM firm that the work area is clean enough to reoccupy; however, you may withhold the certificate if the work site was damaged during removal and has not been restored to its original condition. During an asbestos removal in an occupied building, the AST may order the building evacuated if there is asbestos contamination, an equipment failure which could lead to contamination, or a power failure which would cause contamination.

N.J.A.C. 5:23-8.14, a new section on "operations and maintenance" or "o and m" work, allows building owners to perform limitless work to stabilize asbestos in place without removing more than 10 linear or 25 square feet per year. Some of these activities may, however, require building, plumbing, or electrical permits for the other work to be done.

N.J.A.C. 5:23-8.17, a new section on glovebag technique called "limited containment removals" allows removal of an unlimited amount of asbestos pipe covering. Under the new regulations, there are no longer "minor" and "small" jobs. All work is now "o and m" (no permit), a "limited containment removal," or an abatement. These categories cover all types of work.

N.J.A.C. 5:23-8.18 concerns demolitions. The subchapter makes a distinction between structures which are being totally demolished and shall not be reoccupied, and structures which are only being demolished in part and which shall be reoccupied in whole or in part. In the former, there are no building occupants to protect; in the latter there is a continuing concern for the safety of future occupants and work practices shall be in accordance with the subchapter.

N.J.A.C. 5:23-8.20 explains that no asbestos removal permit is needed for non-friable materials (such as vinyl asbestos floor tile or asbestos roof shingles) as long as the removal method does not make the acm friable. The department can give advice on whether a removal method is likely to make acm friable and can do a field inspection if the removal method remains questionable.

Along with changes to Subchapter 8 and the provision at *N.J.A.C. 5:23-8.18* concerning demolitions, there will be a change to the section concerning demolitions in Subchapter 2. Before issuing a demolition permit for a structure which, as per *N.J.A.C. 5:23-8.6*, the official knows to contain asbestos, the construction official shall require that an applicant verify, in writing, that demolition shall be in accordance with federal law (National Environmental Standards for Hazardous Air Pollutants—"NESHAPS," 40 CFR 61 subpart M). A bulletin is now being issued for added guidance in this area. While you will need to get a written statement from applicants and you will be able to notify federal authorities of any problems, you will not, of course, be expected to issue violations under the federal law.

The Department expects that the new subcode will generate some questions. We encourage you to telephone the unit at 609/530-8812 if you have any difficulties.

Source: Chrystene Wyluda
Supervisor, Asbestos Safety Unit

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Using UCCARS

The simplest way to understand if networking would be beneficial in your office is to picture two or more computers connected together with special cabling so that data can flow from one computer to another. One reason to network computers is just to transfer data files between PCs.

But, why spend money on networking when you can accomplish the same thing by copying a data file onto a floppy disk from one machine, carry the disk over to another machine, and load the file into it? A good question, and the answer is for convenience, speed, and efficiency, and also because of difficulties in copying many large files onto a floppy disk.

Another good reason to network computers is to allow external devices to be shared. For example, if there are four computers in your office and each user needs to use a laser printer, all computers can be provided with complete access to the laser printer. There is no need to buy four printers, or to physically swap the printer from computer to computer.

Perhaps the most compelling reason for networking computers is to enable more than one user at a time to access the same application.

Like UCCARS.

When computers in a construction department are networked, the workload of entering permits into UCCARS can be divided among several users. One user can enter a batch of permits on one computer while another user can be entering another batch at the same time at another computer.

The trick to making this work is that UCCARS would no longer reside on your individual computer. In the above example, there are not two separate installations of UCCARS (one on each computer). If there were, the first PC would have some permits in it, while the second PC would contain the rest of the permits.

Rather, UCCARS resides on yet another computer in the office. As a permit is entered into PC#1, it is shipped over the cable to PC#3 (the central computer in our network). Likewise, the permit entered into PC#2 is automatically sent over to PC#3. That way, both PC#1 and PC#2 have simultaneous and immediate accessibility to all permits stored in PC#3. Any computer on the network can look up or print any permit, including one that was just entered by another user.

In System II the entire permit application is keyed into the computer. This causes a shift in the workload characteristics of an office. Data entry requirements are *increased*, while manual tasks such as calculating permit fees, typing permits, and generating various reports are eliminated. Thus, municipalities migrating to System II often acquire a second computer and network them so that the data entry workload can be shared.

The inspection system is another major capability of UCCARS that often creates a demand for networking. Generally, when applicants call in for inspections, any of several people in the office can take the call. It is beneficial to set up a computer next to each telephone so that any person receiving the request can

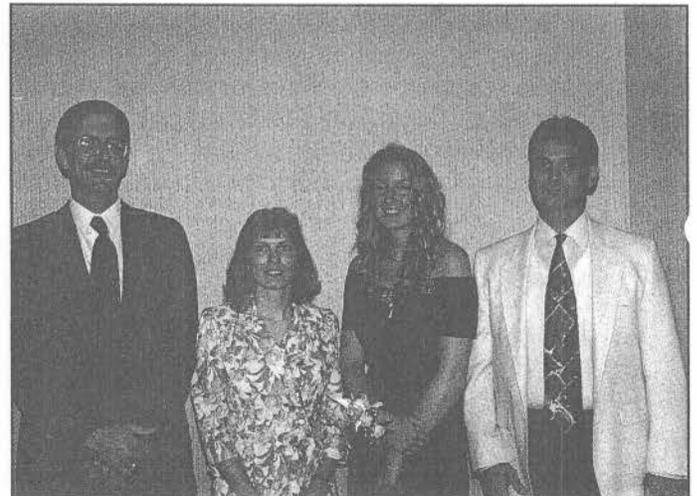
immediately access the permit data and prior inspection history, and key the new request into UCCARS.

There are many different types of network systems that have been devised for tying PCs together. After careful evaluation by DCA and OTIS, Novell NetWare 2.2 has been selected as the UCCARS network specification. When designing and specifying a computer network system for your office, you should review *UCCARS Network Guidelines*, available from DCA.

Source: Stan Kosciuk
President, Municipal Information Systems

□

Associate Degree in Code Enforcement— NJ's First Grads



From left: James Foran, coordinator of the Associate Degree program at Atlantic Community College with the first UCC associate degree graduates, Lisa LaRue, Sue Kilcheski, and Paul Carrafa.

On May 21, 1993, a very important event took place at Atlantic Community College. This was the day that Lisa LaRue, Sue Kilcheski, and Paul Carrafa became the first in New Jersey to graduate with the Associate Degree in Code Enforcement.

Mr. Carrafa is presently a licensed code official, while Ms. LaRue and Ms. Kilcheski will be working and training as interns to acquire the necessary experience to obtain the Building Inspector RCS license.

The Department congratulates these three individuals for all that they have accomplished.

Source: William Hartz
Chief, Bureau of Technical Services

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UCC Certificate Program at Atlantic Community College

In addition to the Associate Degree in Code Enforcement, Atlantic Community College also offers a Uniform Construction Code Certificate Program. This program recognizes credit earned for previous UCC courses that you have completed. You may be well over half-way to earning your certificate from Atlantic Community College. All credits earned in the certificate program may be applied towards the Associate Degree in Code Enforcement program. If you would like more information on these programs, contact James Foran at Atlantic Community College, at 609/343-4984.

Out of Sight, Out of Mind: Tank Removal

A response a local code official got recently was, "You want a site plan for a tank removal?! You must be out of your mind!!" However, code officials may ask for a site diagram for tank removals when concerns such as distances to utilities, other structures and lot lines arise. *N.J.A.C. 5:23-2.15(e)1.i.* discusses site diagrams for demolition.

Source: Michael Baier
Code Assistance Unit

Also Out of Sight, Out of Mind: Foam Insulation

Who knows what danger lurks in the foam insulation being used? Not even "The Shadow," apparently. We have had reports that even though we have banned the use of urea formaldehyde foam insulation as a product that violates the Code (see *N.J.A.C. 5:23-3.8A*), it is still being used in New Jersey.

How is this so? Apparently, through some misleading manufacturer's literature. Urea formaldehyde insulation is an on-site mixed insulation having a consistency of shaving cream when installed. It is often used to fill the cores of block walls. A urea formaldehyde-based resin is used as a foaming agent. There are similar foam products that are formaldehyde-free. The trouble is distinguishing the good ones from the bad. If the manufacturer's literature does not say that the product is formaldehyde-free, you may want to ask for some additional information from the manufacturer.

Source: Michael Baier
Code Assistance Unit

State Association Membership

The Department meets with representatives of the four state municipal associations on a quarterly basis. The purpose of these meetings is the constructive exchange on information and ideas. If you would like information on how to join these associations, please contact:

Building Officials Association of New Jersey (BOANJ)

Joseph Montemarano
201/337-1644

Municipal Electrical Inspector's Association (MEIA)

Victor Timpanaro
908/360-1611

New Jersey Fire Prevention and Protection Inspector's Association

Raymond Welch
908/457-9338

New Jersey State Plumbing Inspector's Association

Sal DelCorso
201/790-4119

or write to:

60 Chamberlain Avenue
Paterson, New Jersey 07502

New Jersey Register Adoptions

Date	Adoption
4/5/93	25 <i>NJR</i> 1512(a) Notice of Effective Date of Model Codes: 5/1/93.
	25 <i>NJR</i> 1512(b) Interpretations Adopted New Rule: <i>N.J.A.C. 5:23-9.7</i> , effective 4/5/93.
5/3/93	25 <i>NJR</i> 1875(a) Municipal Enforcing Agency Fees, Mechanical Inspectors Adopted New Rule: <i>N.J.A.C. 5:23-5.19A</i> . Adopted Amendments: <i>N.J.A.C. 5:23-3.4, 4.4, 4.18, 4.20, 5.3, 5.5, 5.22, 5.23</i> and <i>5.25</i> , effective 5/3/93.
5/17/93	25 <i>NJR</i> 2133(a) Public Notice of Public Hearing, Industrialized Buildings Commission.
	25 <i>NJR</i> 2133(b) Public Notice of Code Change Proposal Hearing.

Source: E. Maria Roth
Code Assistance Unit

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New Design Services Law

The New Jersey Board of Architects and the Department have received numerous calls concerning Governor Florio's signing of Senate bill 1071 on February 3, 1993. This new law permits a home improvement contractor or single-family homebuilder to offer or perform "design services" to owner-occupants of single-family dwellings in connection with the demolition, enlargement, or alteration of a single-family dwelling *up until the point at which an application for a construction permit must be filed.*

The italicized portion is the important statement. Although the contractor may provide "design services," the law does not give the contractor the legal authority to prepare a set of construction documents in order to obtain a permit.

For the construction code official, this law does not change any requirements for a permit. *N.J.A.C. 5:23-2.15(e)1 vii* still requires the seal and signature of a registered architect or licensed engineer, except for the case where a single-family homeowner prepares the plans for his or her own private residence.

If you have any questions, please call the Code Assistance Unit at 609/530-8793.

Source: William Hartz
Chief, Bureau of Technical Assistance

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Construction Code Communicator



State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Stephanie R. Bush, Commissioner

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Industrialized/Modular Buildings and Components: Industrialized Buildings Commission

Under the provisions of Chapter 475, P.L. of 1991, New Jersey has joined with Minnesota and Rhode Island in developing an interstate compact that will eliminate the regulatory costs of conflicting, overlapping, and duplicative state rules, regulations, and procedures. The elimination of such costs is expected to greatly benefit consumers, state government, and industry.

On July 9, 1993, the Industrialized Buildings Commission (IBC) formally adopted documents titled "Uniform Administrative Procedures" and "Model Rules and Regulations," developed by the Commission's Rules Development Committee. Additionally, the Commission adopted a label program, important aspects of which include:

- Uniform administrative procedures for all member states, including labeling and monitoring;
- Retention of technical requirements applicable under current industrialized and modular construction codes within each member state;
- A timeframe of August 1 to December 31, 1993, during which manufacturers may elect to use either the IBC certification or the current New Jersey label;

- Mandatory IBC labeling as of January 1, 1994, for all industrialized and modular buildings and building components produced in or shipped into the member states of Minnesota, New Jersey, and Rhode Island.

Effective August 1, 1993, any industrialized or modular building or building component bearing the IBC label will be accepted for installation in this state in accordance with the manufacturer's approved installation plans. The application of a data plate is still a requirement under the new IBC rules. The information on the data plate regarding construction classification, use group, live loads, fire rating of exterior walls, applicable building code(s), and so forth, is for the Local Municipal Enforcing Agency to validate the industrialized/modular building.

As a full and voting member of the IBC, New Jersey has been an active participant in the development of the "Uniform Administrative Procedures" and the "Model Rules and Regulations." Our state's appointed Commissioner to the IBC, William M. Connolly, worked to ensure that the new rules, regulations, and procedures would continue to provide New Jersey's consumers with the same quality, durability, and safety as in the past. Indeed, under the IBC procedures, we believe that public safety and affordability will be

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significantly improved, because adherence to only one set of technical and administrative procedures rather than to multiple state codes should be simpler for manufacturers, making full compliance an achievable goal.

We will be working on revising the UCC, specifically Subchapter 4A, to properly incorporate these new rules and regulations. It may be noted that the Local Municipal Enforcing Agencies are authorized to accept both labels from August 1, 1993 until December 31, 1993. Beginning January 1, 1994, only the IBC label will be authorized by the UCC as the approved label.

If you have any questions regarding the above, please contact Paul Sachdeva at 609/530-8837.

Source: Paul Sachdeva, P.E.
Manager, Industrialized Buildings Unit

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Communicating the Code

As inspectors, how do we communicate the code to others? This may sound like an obvious question, but there is a lot to consider. A great many problems are caused by a lack of communication. But, you may say, I tell the permit applicants what is wrong and what they must do to get compliance. Do they understand what you have told them? To be sure that they do, there are several ways to make certain that the information you have imparted is clearly understood:

1. State the applicable code reference.
2. Try to get a response.
3. Have a positive attitude.
4. Diffuse any hostility.
5. Always be kind and courteous.
6. Be open and honest and admit when you're not sure and need to research the answer.
7. *Never insult, offend, or demean.*

These are but a few good ideas that we can all find helpful.

Often, when dealing with permit applicants, there are times when we can violate the law by making improper statements either verbally or in writing. How do we do that?

Four common wrongful acts committed by inspectors, whether knowingly or unknowingly, are *malfesance*, *misfesance*, *nonfesance*, and *violation of civil rights*. As public servants, we have a legal responsibility to act professionally.

Malfesance is the act of doing something that should not be done at all, such as when an inspector who knows the code requires something not in the code ("I don't care what the code says; when you're in my town you'll do what I want.")

Misfesance is the improper performance of an act which may otherwise be done lawfully. In other words, the inspector communicates his knowledge of the subject rather than checking the code requirement before providing an answer.

Nonfesance is the failure to take a required action. A good example is when a roughing inspection is called for on a small addition, and an overworked inspector responds, "Look, I know your work, go ahead and close it up." Knowing the person's work is irrelevant; we are obligated by law to make the inspection.

Another example of nonfesance is signing off on plans without actually doing the plan review as required by the code.

Violation of civil rights—The 14th amendment reads, in part: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws..."

This means that the Inspector must not be prejudiced when enforcing the code. An example: A contractor comes from another part of the state into the town in which you perform inspections and you make him do things you don't make other local contractors do. For example, you make an inspection and cite a code section that the contractor disagrees with. You tell him, "That is my decision as the Electrical Subcode Official and that decision is final."

You have just violated his civil rights. Due process of law entitles him to go first to the Construction Board of Appeals, and then take further steps if he is not satisfied with their opinion. In such a circumstance, you should respond, "That is how I interpret that code section. You can apply for a variation under the UCC or go to the Board of Appeals, if you like. I would be happy to assist you in filling out the application."

These examples from Julius Ballanco's 1993 seminar, "Communicating the Code," have been used here with his permission.

Source: Richard Marshall
Joseph Bevacqua

□

Construction Officials and the Elevator Subcode

I thought it would be appropriate to briefly discuss some key issues that were discussed during our July briefing sessions held in three locations for construction officials.

The elevator subcode is different from other subcodes since a major portion of the enforcement work involves the routine and periodic inspection process and the assurance that you, as construction official, are in control of this ongoing process. The elevator safety program includes a maintenance inspection responsibility which is ongoing and cyclical in nature. The responsibility for the routine and periodic inspection process is delegated to the construction official by the Department. Unlike other subcodes, the Department can assume responsibility for the elevator subcode, while the municipality is responsible for the overall administration of the Uniform Construction Code. With this in mind, the construction official plays a different role in the enforcement of the elevator subcode as compared to other subcodes.

N.J.A.C. 5:23-4.13(e) requires that when the elevator inspection is performed by an on-site agency, the agency "shall

answer to the local construction official, who shall be responsible to the Department for supervising the activities of the elevator subcode official." The regulations clearly indicate that the construction official will play an active role in the supervision of the elevator subcode official. Therefore, you should ensure that a subcode official is properly designated by the on-site agency so that you have clear lines of authority to that subcode official. You should also make yourself knowledgeable regarding the types of inspections covered by the subcode, the violation and appeal process necessary for such a maintenance inspection program, that as you sign the required documents you make a cursory review of the reports to ensure that the owner can read the report, understand the violations, and know that they are cited under the applicable code. Many of these issues were reported on in the Spring 1993 issue of the *Communicator*.

The construction official is also responsible for an up-to-date registration of elevator devices in his/her jurisdiction. A comprehensive list of buildings and owners is sent to each office in January and July. Changes to the elevator registry between reporting periods are sent as individual letters. These letters should be kept during the period but can be discarded when a new report is received, since the devices will be included in the report. Out-of-service devices are reported annually so that the construction official can verify that the elevator device is properly classified as out of service. The owner must take out a permit (minor work) in order to take an elevator out of service and not be subject to routine and periodic inspections. The construction official must ensure that the device is safe and does not pose a hazard, thus the permit requires an inspection of the work.

Another area that should concern a construction official is the level of effort needed to properly perform a routine or periodic inspection. Under the ANSI A17.1 standard and A17.2, the inspection guide, a required inspection routine is to be followed for each type of device and each type of required inspection. In addition, some inspections require the inspector to witness tests performed by the elevator maintenance company. These factors dictate an acceptable level of effort to ensure that when a Certificate of Compliance is issued, the device has been maintained at an acceptable level. If an inspector rushes through an inspection and does not follow the proper routines, then certificates may be given to devices which may not be in good condition and pose a safety hazard.

I have covered only a few of the issues which should be of concern to you in meeting your new obligations under the Uniform Construction Code. I have sent copies of the briefing session handouts to all construction officials who did not attend the summer sessions. If you have not received the handouts, then please contact my office at 609/530-8857 and we will send you a copy. The handouts cover these issues and more in greater detail. Also, feel free to contact me if you have a specific question regarding the implementation of the Elevator Safety Program.

Source: Richard Osworth
Chief, Bureau of Code Services

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"Propain": The Propane Permitting Process

...At least, that's how some propane suppliers have described our permitting process. At a recent meeting, several members of the propane industry voiced their concern about discrepancies between municipalities with respect to which technical sections need to be filled out when a residential propane system is installed.

For a propane installation, the only technical sections required are Fire and Plumbing. The Fire Protection Subcode Official is responsible for the tank installation, ensuring that the tank is approved, properly secured or mounted, and properly located.

The plumbing permit covers the gas line from the tank to the appliance. The Plumbing Subcode Official ensures that the piping is of an approved material, is properly buried, protected, and sized. Note that the tables we recommended for natural gas pipe sizing in Bulletin 90-6 are not necessarily appropriate for LPG systems. These systems generally operate at higher pressures with a greater pressure drop, resulting in reduced sizes for the distribution piping.

We will be issuing a more comprehensive bulletin on sizing LPG systems sometime in the near future.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services

□

State Training Fees: How Are We Doing?

The state training fees have been changed to include construction permits issued for alterations. This new fee is charged against the cost of alterations. The State Training Fee Report (R-840B) was revised to allow for the reporting of the new fee. We find that officials and control persons still report fees incorrectly, holding up report processing and forcing us to contact them for more information.

The form as currently designed allows for entry of three numbers. The first number represents the *total fees collected* and should be equal to the amount of the check enclosed. The second number represents the *total cubic volume of new construction*. The third number represents the *total value of alteration*. This last number is the one which causes the problem. It is usually reported as the total of the fee collected for alterations and not the total value of the alteration for the quarter.

It might help to explain how we enter this report into our systems. We enter the three numbers and the system runs a comparison of the fees collected to the fees generated by the total activity reported for that quarter. If we do not have the two numbers, total volume and total value, we cannot enter the report. This results in the need to contact you and for you to report back to us, all added effort and time for both our offices.

Also, if you have a fee exempt project during the quarter, you should report that value or volume so that we may adjust the total figures as we reconcile the fees collected to the fees generated

(Continued on page 4)

(Continued from page 3)

numbers of our reporting system. Just list the exempt projects by permit number and the related volume or value upon which the fees were not collected. Further, we are discussing the possibility that as we develop a new release of UCCARS, the software would report the exempt permits on the computer-generated form R-840B. That is another reminder—if you are working through the computer, do not forget to use the computer-generated form and forward that with your check to our office. We have found that some towns still are producing the form manually when it can be done by the computer.

Source: Richard Osworth
Chief, Bureau of Code Services

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Lighting Power Limits

Since the oil embargo of the early 1970s, many states have adopted measures to conserve energy by restricting the power that can be dedicated to light exterior and interior areas of buildings. ASHRAE, in collaboration with the Illuminating Engineering Society of North America (IES), has developed several procedures to establish criteria and methods for energy conservation through improved utilization of lighting.

One source for criteria to control energy consumption in buildings is the IES publication *LEM-1(1982)*. The State of New Jersey has adopted *LEM-1(1982)* as part of the energy subcode under the *New Jersey Uniform Construction Code*.

LEM-1(1982) is a revised version of the Unit Power Density procedure published by IES as *EMS-1*. The document contains extensive tables of illuminance and lighting system performance criteria for interior task areas, as well as analysis of the method and actual examples of use. The recommended procedure in *LEM-1(1982)* offers methods necessary to determine a lighting power limit for buildings and support facilities such as roads and grounds. Lighting power limits determined by this procedure assist designers of new buildings in setting power limits based on the needs of users, and assist those concerned with existing buildings in setting targets for retrofits and renovations.

The lighting efficiency standards of the energy subcode apply to all newly constructed and renovated buildings. The UCC requires that no building shall employ more power for lighting than that determined through the use of criteria and calculation procedures contained in the document *LEM-1*.

The UCC under *N.J.A.C. 5:23-3.4(e)* requires that the provisions of *LEM-1* be enforced exclusively by the electrical subcode official. Feedback from the municipalities indicates that some code officials have taken a lax attitude toward enforcing this code in past years; nevertheless, in this energy conservation era its importance can no longer be ignored. Electrical subcode officials *must* ensure that installations comply with this part of the energy subcode, and thus help improve energy utilization in this state.

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

□

Electrical Permits Required for Elevator Installations

Installation or alteration of elevator devices usually involves the need to do related electrical work. Also, the type of alteration and installation of equipment causes the elevator installer to become involved in electrical work. The combination of electrical and elevator subcodes has resulted in some confusion over the need for an electrical permit and the need for that permit to be taken out by a licensed electrical contractor.

The 1993 code adoption more clearly addresses the roles of the electrical subcode official and the elevator subcode official in the plan review and field inspection requirements (specifically, section 620 of the *National Electrical Code*). But, a permit is required for those items requiring electrical plan review and inspection. If the permit relates to the "electrical work" of the elevator installer, then an electrical license is not required since the installation of elevator equipment is exempt under the Electrical Contractor Law.

You may find it necessary to issue *two* electrical permits, since the electrical contractor may apply for work up to the power disconnect, while the elevator installer would apply for work related to the installation of the device.

Fees for such permits shall be established based on the work to be performed by the individual contractors.

Source: Richard Osworth
Chief, Bureau of Code Services

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Acting Appointments

Acting appointments are a part of code enforcement made necessary by vacations, sick leave, or a vacancy in the code enforcement office. There are four things to remember about acting appointments:

1. There must be a written record of the appointment;
2. Anytime the acting appointment exceeds 30 days the Department must be notified within seven days of the appointment;
3. The municipality may not exceed 60 days with any acting appointment; and
4. If it is necessary for an acting appointment to exceed 60 days, usually due to lengthy illness, a written request for an extension to the acting appointment must be made to this office.

If you have questions on acting appointments, please contact me at 609/530-8797.

Source: William Hartz
Chief, Bureau of Technical Services

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Paper Trail: Which Code Takes Precedence?

I am about to take you on a trip down a dark, winding path. If you bring the flashlight, I'll bring the breadcrumbs. Actually, I'll bring the paper since we all know what happens to breadcrumbs (besides, government guys have a lot more experience with paper, and this is a "paper trail" we are following!).

The name of our trail is Tank Approvals. I agree this isn't as glamorous as the Appalachian Trail or, better yet, Donner's Pass (although it can be a dog-eat-dog world out there), but this trail can be just as arduous. If you start to feel woozy or lose your way, immediately proceed to the margin and head due south to the next article!

Of course, no self-respecting ex-boy scout ever goes on such a trek without a map. If you look at our map below, you will see that our journey begins with the *BOCA National Building Code*, progresses on to referenced codes and from there to referenced standards. There are a couple of rules of the land to follow when traveling this trail. In applying the requirements of the

referenced standards, the adopted subcode takes precedence over the primary and secondary referenced standards, and the primary standards take precedence over the secondary referenced standards.

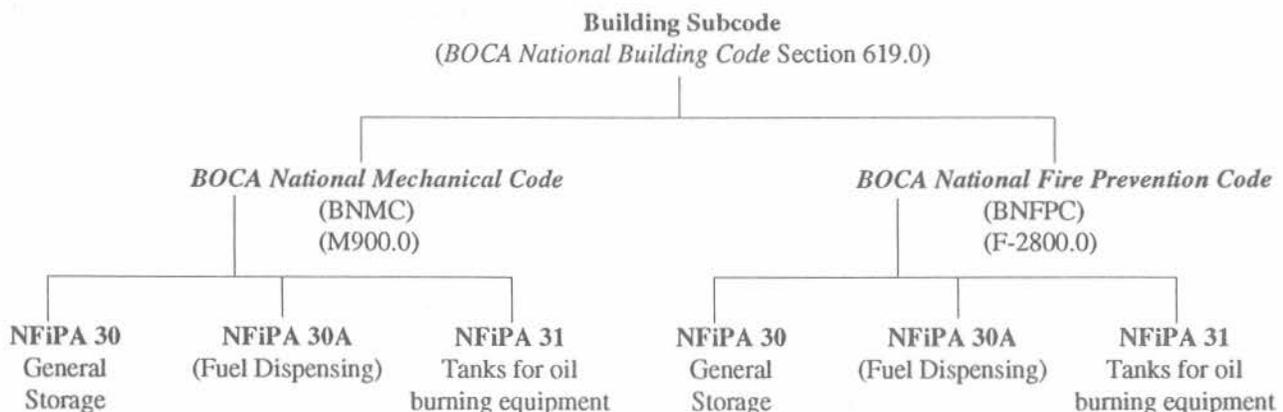
So, for our trip, the requirements of the *BOCA National Fire Prevention Code* cannot overrule the requirements of the building subcode. It should be remembered that the *BOCA National Mechanical Code* is also an adopted subcode and when applied as such, takes precedence over the standards referenced in it. However, in the map below, the *BOCA National Mechanical Code* is a referenced document to the building subcode.

Well, that's enough mental exercise for today. You all may report to your local boy scout office and collect some type of merit badge.

Source: Michael Baier
Code Assistance Unit
Bureau of Technical Services

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TRAIL MAP



After the Certificate of Occupancy

You receive a complaint from a tenant or homeowner that code violations exist in a building which received a certificate of occupancy several years ago (issued by your predecessor, we hope).

The Bureau of Regulatory Affairs gets questions and calls from all sides:

From the complainant, we receive comments that the construction official did not respond to the complaint and/or would not accept the responsibility, since a certificate of occupancy had been issued.

From the local officials comes a question as to whether they have the authority or the right to enter a building once a certificate has been issued.

From the developer/builder/owner-in-fee comes the opinions that the code violation is not valid since there is a certificate of occupancy and that there must be a statute of limitations on code violations.

The following should help address the situation:

First, the subcode official is required, as referenced in *N.J.A.C. 5:23-2.32 Unsafe Structures*, to examine and report to the construction official his/her findings of any unsafe conditions. This is required where a valid certificate of occupancy has been issued and also applies to buildings constructed prior to the UCC. The construction official must serve a written notice, cite the conditions found, and require correction(s). This may take some research, as only a violation referenced by the code in effect *at the time of permit issuance* is applicable.

Secondly, yes, the code official can enter the building. *N.J.A.C. 5:23-2.29(d)* permits the official to enter a building after a certificate of occupancy has been issued, but only based on reasonable grounds—e.g., a complaint or inspection request—to believe a condition of the certificate has been violated. As *N.J.A.C. 5:23-2.24 (a) 1 & 3* Conditions of a Certificate indicates, the conditions include the building conforming to the released plans and meeting the requirements of the regulations; in other words, complying with code. An allegation of a code violation subjects the conditions of the certificate to scrutiny. Should you be denied entry, contact your local solicitor and discuss the remedies prescribed by law.

Finally, although the developer/builder/owner does have a certificate of occupancy, the complaint still must be investigated. Code officials are capable of making mistakes, and the structure must be inspected to ensure code compliance. Also, there is no statute of limitations on code violations.

As code officials, the first two items are your responsibility. Please heed the regulations. Should you have any questions, contact the Bureau of Regulatory Affairs at 609/530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs



Means of Egress Doors in Residential Construction

The 1993 *BOCA National Building Code* has brought some major changes with respect to residential construction. One significant change is the minimum clear width requirement of all interior means of egress doors within a dwelling unit, not required to be adaptable or accessible. All these doors now must maintain a minimum clear width of 29-3/4 in. This change is intended to allow the occupants of the unit with temporary disabilities to be able to use most spaces. It does not necessarily mean that the upgrade required for the existing homes during alterations or additions will have to enlarge the existing 28-in. doors (permitted under the 1990 *BOCA National Building Code*).

The 1990 *BOCA National Building Code* limited egress door requirements to means of egress doors serving habitable or occupiable areas. The 1993 edition of the code does not include this limitation. Section 1017.3 (Ex. 4) implies that the door from the storage closet with a floor area in excess of 10 sq. ft. is an element of means of egress and is required to meet the egress door requirements (with the exception provided in the code for a sliding door or the requirement dictated by the Barrier Free Subcode for a 32-in. door). Shower or sauna compartment doors are, however, not regulated by the above section. These are regulated either by the Plumbing Subcode (stall dimensions, listings, etc.) and/or the Barrier Free Subcode.

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



Plan Review Procedures

Construction code officials are reminded that plan review and approval on a project can be performed only by either: 1) the appropriate subcode official in the municipal enforcing agency; 2) the appropriate subcode official of the on-site inspection and plan review agency under contract with the municipality; 3) the Department, if the project is beyond the enforcing agency's classification or is of a nature reserved to the Department under *N.J.A.C. 5:23-3.11*; or 4) another State agency pursuant to *N.J.A.C. 5:23-3.11A*. All too often, even at this late date, there is confusion as to the role of the private consultant in the plan review process.

A consulting firm may have licensed individuals who, if employed by a municipality or an on-site agency, would be qualified to perform plan review. However, such a firm, unlike an authorized private on-site inspection and plan review agency, can only contract with the applicant for consulting services and has no direct relationship with the enforcing agency. A review performed by a consulting firm is only an advisory service provided to the applicant and should never be accepted as a review authorizing the

issuance of a construction permit. Even after a consulting firm review, the plans must be reviewed and approved by an appropriate governmental enforcing agency. Situations have occurred where a municipality with a lower level classification has accepted a plan review from a consulting firm and issued permits on a project rather than advising the applicant to forward the plans to the Department. Acceptance of a plan approval from a consulting firm without further plan review is, of course, completely improper and is as if no plan review and approval has been performed at all.

Assurances given by consulting firms as to the scope of their authority should not be blindly accepted. If a construction code official has any questions as to the correct plan review procedure, he or she is advised to contact either the Bureau of Construction Project Review at 609/530-8866 or the Bureau of Regulatory Affairs at 609/530-8838.

Source: Robert Hilzer
Bureau of Regulatory Affairs

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Building Valuation Data Report

The Uniform Construction Code requires that current building replacement costs be calculated using the latest edition of the Building Valuation Data Report as published in the *BOCA Magazine*. The question frequently asked is, "Which one is the latest?"

There has been some confusion about the use of the data report after BOCA modified and restricted its use solely for the purpose of permit fee calculation since May/June 1992. The May/June 1992 issue of *BOCA Magazine* explained the changes and the conversion from the old method to the new method of valuation. This matter is currently under review of the Department and until new regulations/bases are proposed and adopted, the Building Valuation Data Report as it appeared in the May/June 1992 issue of the *BOCA Magazine* shall continue to be used. Should the code officials or builders encounter any difficulty in the valuation of the building replacement costs, they may call the Code Assistance Unit at 609/530-8793.

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

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

Products Violating the Code Part II

'Bout a year ago, I wrote about stores still advertising or displaying prohibited products in New Jersey. Occasionally, you, gentle reader, send me a circular advertising one of them (3.5 GPF ads have been the most conspicuous). This assistance is appreciated, and I wanted to let you know what happens when, for example, you do notice an ad, and think to put it in an envelope and mail it to us.

Regulatory Affairs follows *N.J.A.C. 5:23-8A(b)* procedures; that is, we send a notice to the responsible company forbidding further sale or offers for sale of the offending product. The notice also contains language advising clearly of penalty repercussions.

After sending out these notices over the past few years, I'm pleased to report that, without exception, followups show the retailers in question have been responsive in removing the noted items promptly from their circulars and shelves.

I don't want to reprint the list of prohibited products in this article, though you might want to refresh your memories by taking a look again at page 23-50.1 of the Code (*N.J.A.C. 5:23-3.8A(d)*). DCA will continue to keep its collective eyes open for these items, and I also encourage you to continue to bring them to our attention. If you would like a sample of what we do to help in your own enforcement efforts, please call us at 609/530-8838.

Source: Vivian Lopez
Chief, Bureau of Regulatory Affairs

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Mechanical Inspector License: How is it working?

The mechanical inspector license was approved for use May 3, 1993, and now, five months later, there are almost 100 mechanical inspectors. How it is working has to be one of the best-kept secrets. We haven't heard from a single town—either good or bad.

The mechanical license was a very limited and unique type of license that was created to provide more efficient, lower cost inspections for mechanical equipment in use groups R3 and R4. I would like to know if it is working.

If you use the mechanical inspector's license in your municipality, please write and let me know how it works for you—well or not so well. I am interested in all constructive comments. Please send your comments to my attention at:

Department of Community Affairs
CN 816
Trenton, NJ 08625

Source: William Hartz
Chief, Bureau of Technical Services

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Penalties: An Effective Tool if Used Properly

Over the years, it has come to the attention of the Bureau of Regulatory Affairs that construction officials frequently do not impose penalties pursuant to *N.J.A.C. 5:23-2.31 (b) 3 and 4*.

The most common mistake is the imposition of a daily penalty when the regulations specify a weekly penalty. *N.J.A.C. 5:23-2.31(b)3* allows a daily penalty *only* in conjunction with a validly issued stop work order. You may be tempted to impose a daily penalty in order to obtain compliance with the Uniform Construction Code; however, if your notice is brought to the attention of the Bureau, we will advise the complainant that the regulations were improperly cited.

If used properly, violation notices and penalties can be an effective tool in the enforcement of the Uniform Construction Code regulations. If you have any questions about penalties, contact the Bureau at 609/530-8862.

Source: William Ferguson
Bureau of Regulatory Affairs



NAFTA Affects Code Enforcement

NAFTA, OSHA, NRTL, CSA...hold it a minute, what's all this? Technical coordination across the border? It's the coming thing—across many borders. But here's a news item involving Canada. Remember back in 1990 we announced, via Bulletin 90-1, that Canadian Standards Association certification of products used according to our construction codes is acceptable in New Jersey? Electrical components bearing the designation CSA (a specific logo of the Canadian Standards Association) are tested at one of that organization's several laboratories in order to be thus listed.

In keeping with the intent of the North American Free Trade Agreement (NAFTA), related agencies in both countries are interacting increasingly. A recent such interaction is accreditation of one of CSA's laboratories as a "Nationally Recognized Testing Laboratory" (NRTL). The United States Occupational Safety and Health Administration (OSHA) designates qualifying laboratories. The testing laboratory at Rexdale (Toronto), Ontario, was the first CSA facility to become an NRTL in December of 1992. Currently, OSHA is performing evaluations of the other CSA testing labs as a final step toward their accreditation as well.

So now you know about one of the trickle-down effects of NAFTA upon code enforcement. To write, call, or send a FAX to CSA, you may use these contacts:

Canadian Standards Association
178 Rexdale Boulevard
Rexdale, Ontario M9W 1R3
Telephone: 1 416/747-4270
FAX: 1 416/747-2475

Source: E. Maria Roth
Code Specialist, Bureau of Technical Services



DCA Notes

1. The Fire Protection Inspector RCS license ceased to be valid as of July 31, 1993. This license and all dependent licenses (e.g., Fire Protection Subcode Official) have been deleted from our records. These records have not been destroyed but are filed as expired licenses.
2. Municipal Rosters: Each municipality recently received a print-out listing the construction official and subcode officials for that municipality. This printout will be produced twice a year to ensure accuracy of the municipal classification. The construction official must review, sign, and return this roster to DCA. All changes must be documented by attaching the appointment or resolution. Also, when on-site agencies are listed, the subcode official assigned to that municipality must also be listed.
3. Late Renewal Fees: Late renewals of UCC licenses are becoming more of a problem both to DCA and to the inspector paying the fee. *N.J.A.C. 5:23-5.21(e)2* requires that a "late renewal application shall be accompanied by the appropriate renewal fee and an additional late fee of \$43.00 per year or fraction thereof."

Renewal forms are mailed out 75 to 90 days in advance of the expiration date of your license. If we receive the form back from you *after* that expiration date, a late fee is required. In addition, the Department offers over 200 seminars per year. If you have not satisfied your continuing education requirement, your license will not be renewed and a late fee will be required.

Your license is your responsibility and it is your responsibility to renew it on a timely basis.

Source: William Hartz
Chief, Bureau of Technical Services



UCCARS Bulletin Board: Check Weekly!

Municipalities transmitting electronically on the UCCARS System—please check the UCCARS Bulletin Board on a weekly basis. We often place open seminar information, code adoptions, and other timely notices on the Bulletin Board.

Twice a year we place the upcoming seminar schedule on the Bulletin Board to give the working officials in municipalities advance notice. This information usually appears about 10 days before the seminar information is mailed out.

To print from the Bulletin Board, just touch the "print screen" key. If you are having trouble accessing the Bulletin Board, call Larry Wolford at 609/530-8835.

Source: William Hartz
Chief, Bureau of Technical Services



Using UCCARS

During the past few months, all System II installations have been upgraded with a new version of UCCARS. Next time you log onto UCCARS, check the title screen—it should say, "Release 4.34" near the bottom.

One important new feature this release provides is the capability to issue a permit for both New Building and Alteration. The impetus for changing UCCARS to allow entry of this combination was the increasing number of modular structures that most offices have been encountering, and the way permit fees for modulars are calculated.

Fee calculation for modulars often causes problems for System II users. If a basement is involved and the volume of the basement can be used as the basis for setting the permit fee, all is well. Likewise, if the structure is placed above a crawlspace, the fees are generally based on the volume of the crawlspace. If the structure is to be installed on a slab, however, there is little or no real volume that can be used for determining the fees. Many offices were incorrectly entering these permits as Alterations just to facilitate fee calculations, and in so doing were introducing errors into construction statistics.

This is where the flexibility of being able to check off both New and Alteration on the same UCCARS screen comes in—you can now properly register this structure as a New building while still collecting the applicable permit fees. By checking New, you can enter the correct Federal Census Number and the number of Housing Units gained. By also checking Alteration, you can trigger the "cost per thousand" fee calculation mechanism. Permit fees are then automatically calculated based on the cost of site preparation work which is entered as the Cost of Alterations.

Alternatively, the flexibility of issuing the permit with this combination of work types enables you to manually enter the permit fee in the Other field, if you wish. This covers municipalities that charge a flat fee for industrialized buildings.

Remember that when you check State-Approved or HUD-Approved Industrialized Buildings, UCCARS lets you enter a number other than zero for the Cost of New Building Work; and that if you check Alteration you must likewise enter a non-zero number for the Cost of Alterations.

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

Telecommunication Wiring Exemption

On February 16, 1993, regulations became effective allowing the Board of Electrical Contractors to issue "an exemption from the license and business permit requirements of N.J.S.A. 45:5A-9(a) to a business engaged in telecommunication wiring." Although the regulations have been adopted, the Division of Consumer Affairs, Board of Electrical Contractors, has not issued any identification cards for this exemption.

Code Officials: do not require this exemption card before issuing a permit because it does not exist. We will provide more information when the exemption is available.

For those who would like more information on how to obtain the exemption, write to:

Board of Electrical Contractors
P.O. Box 45006
Newark, NJ 07101
or call 201/504-6410

Licensing versus Permitting

It used to be that the line separating licensing from permitting in the plumbing field was pretty blurry. In other words, you could generally assume that plumbing work requiring a permit also required a master plumber's license. Well, a couple of recent rulings by the Master Plumbers Licensing Board and the DCA have washed that assumption down the drain.

The first change was the DAG's opinion that work done outside of the building would not require a license. However, under the UCC, this work still *does* require a permit.

The more recent change deals with the Department's proposal on ordinary repairs. In its list of ordinary repairs (i.e., not requiring a permit), the Department has included work that extends beyond what the licensing board feels is allowable without a license. Therefore, although this work does not require a *permit*, a licensed master plumber must perform the work. (The exception would be a homeowner working on his or her own dwelling.)

It is important to remember that work requiring a license does not necessarily require a permit, and *vice versa*. For additional information on this topic, please call the Code Assistance Unit at 609/530-8793.

Source: Michael Baier
Code Assistance Unit

SDR-35 Opinion Forthcoming

Several inspectors and manufacturers have cited some ambiguity with respect to changes to Section 3.5.4 and 3.7.5 in the 1993 *National Standard Plumbing Code*. These changes required plastic piping to be either Standard Dimensional Ratio (SDR) 26 or heavier, or have a pipe stiffness of PS-46 or stiffer. The ambiguity arises with plastic sewer pipe manufactured to ASTM D-3034. This PVC material, when manufactured with SDR of 35 (which is lighter than SDR-26) has a pipe stiffness of 46.

The issue was raised at the recent NSPC Code Change Hearing held in Fairview Park, Virginia. At the meeting, it was agreed that the staff of NSPC would issue an opinion clarifying whether SDR-35 pipe having a pipe stiffness of 46 was acceptable. The initial response was that it would be acceptable.

When the Department receives notification that the issue has been settled, we will share the result with you.

Source: Michael Baier
Code Assistance Unit

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Industrialized/Modular Buildings: Site Plan Preparation

There appears to be some confusion amongst code officials over the provisions of *N.J.A.C. 5:23-4A.11(a)3* (Industrialized/Modular Buildings and Building Components) and *N.J.A.C. 5:23-2.15(e)1 vii* (Administration and Enforcement). Section 4A.11(a)3 stipulates that the detailed plans for any site work associated with installation of modular buildings shall be prepared by an architect or engineer licensed pursuant to law in the State of New Jersey. The provisions of Section 2.15(e)1 vii, however, give a single-family homeowner the right to prepare his or her own plans for such construction, wherein the construction official shall waive the requirements for sealed and signed plans by an architect or engineer.

The above is true for on-site work related to installation of a manufactured (mobile) home, as well (please refer to Bulletin 80-6). If you have questions on this issue, please call Paul Sachdeva at 609/530-8837.

Source: Paul Sachdeva, P.E.
Manager, Industrialized Building Unit

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Elevator Devices: Alterations

Recently, we have received a few questions about the alteration of elevator devices, specifically in regard to the plan review requirements for alterations to existing elevators. Sections 12.8 (b) and (c) of the *New Jersey Uniform Construction Code* address these issues. Alterations of elevator devices are defined in *ASME A17.1 Safety Code for Elevators and Escalators*, which further classifies them as "minor work." It appears that the confusion stems from the industry use of such terms as "modernization,"

"major alteration," "rehabilitation," "upgrading," etc., of elevator devices. For the purpose of applying the UCC, such terms are really referring to alterations, and, therefore, are considered "minor work," within the meaning of *N.J.A.C. 5:23-2.17A*. Hence, such work does not require any plan review.

Source: Paul Sachdeva, P.E.
Manager, Elevator Safety Unit

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New Jersey Register Adoptions

Date	Adoption
6/7/93	25 NJR 2519(b) Asbestos Hazard Abatement Subcode Adopted Amendments: <i>N.J.A.C. 5:23-2.17, 8.1 and 8.2</i> . Adopted Recodification with Amendments: <i>N.J.A.C. 5:23-8.3 through 8.11, 8.13 through 8.20 and 8.22 through 8.24</i> . Adopted New Rule: <i>N.J.A.C. 5:23-8.19</i> . Adopted Repeals: <i>N.J.A.C. 5:23-8.12 and 8.21</i> . Effective 6/17/93.
7/6/93	25 NJR 2862(a) Notice of Administrative Correction Asbestos Hazard Subcode: Effective Date; Variation Application Fee: <i>N.J.A.C. 5:23-8.4</i> .
7/19/93	25 NJR 3147(a) Construction Permits-Application Prototype Plan Review Adopted Amendments: <i>N.J.A.C. 5:23-1.6, 2.15 and 4.18</i> , effective 7/19/93.
9/7/93	25 NJR 4072(a) Prior Approvals-Abandoned Wells Adopted Amendments: <i>N.J.A.C. 5:23-1.4, 2.16 and 2.17</i> , effective 9/7/93. 25 NJR 4073(a) Certificate of Occupancy Requirements Adopted Amendment <i>N.J.A.C. 5:23-2.23</i> , effective 9/7/93.
9/7/93	Please note this important PROPOSAL, not adoption, of the amendments to the 1992 and 1993 Uniform Construction Code adoptions: 25 NJR 3891(a) Subcodes Proposed Amendments: <i>N.J.A.C. 5:23-2.6, 2.14, 2.23, 3.2, 3.4, 3.8A, 3.11A, 3.14, 3.15, 3.16, 3.17, 3.18, 3.20, 3.21, 4.3A, 4A.8, 4A.11 and 12.2</i> . Proposed Repeal: <i>N.J.A.C. 5:23-3.20A</i> .
Source:	E. Maria Roth Code Assistance Unit Bureau of Technical Services

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New Jersey Model Code Adoptions

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

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

Construction Code Communicator



State of New Jersey
Jim Florio, Governor

Department of Community Affairs
Stephanie R. Bush, Commissioner

Volume 5 Number 4

Winter 1993

Load Management Devices

During the last three years, thousands of load management devices have been installed throughout New Jersey. These are devices installed by the utilities to control the use of electrical equipment, such as air conditioners, during peak use periods.

The devices and the fee inspection procedures established for these devices have worked very well. What has not worked is the mountain of paperwork that is involved. In one municipality, 7,000 devices were installed during a five-month period. This required the municipality to accept and process 7,000 permit applications.

In January 1994, new load management regulations were adopted that simplify the procedures. Please review these regulations in the *New Jersey Register*. Below is a summary of the changes.

1. All devices installed during that week, by a single contractor, shall be included on a single permit. Often this means only one permit application instead of 300.
2. The owner of the permit is the utility, and the block number is UCC 2.18 and lot A.
3. The utility or contractor shall provide a list of every installation with the permit. This list will include the owner's name and

address, block and lot, date of installation, type of devices installed, and the contractor's name.

4. The municipality shall inspect 30 percent of the installations performed and the utility shall pay 30 percent of the permit fees due. There is no change to this section of the regulation.
5. A single Certificate of Approval shall be issued for all devices on a single permit.
6. The Department has established a fee for each load management device. Municipalities not using onsite agencies shall establish their own fees.
7. It may be necessary to collect a DCA training fee. For example, you have 300 devices on one permit, each device has a value of \$110; you inspect 30% of them and the training fee for alterations is \$0.0008. Therefore, the training fee is $300 \times \$110.00 \times .30\% \times \$0.0008 = \$7.92$, or an \$8 training surcharge.

I think you will find that all inspection and life safety issue have been taken into consideration, and that the biggest change is the elimination of hours and hours of paperwork.

Source: William Hartz
Chief, Bureau of Technical Services

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CHARLES M. DECKER, 51 Building Codes Pioneer

Charles M. Decker, Jr., 51, died October 21, 1993, at St. Barnabas Medical Center in Livingston.

Mr. Decker was well known for his contributions to building safety in New Jersey and throughout the United States. He led New Jersey's building safety efforts since 1975 while serving as director of construction code in the Department of Community Affairs. He designed, authored and implemented the state's highly regarded *Uniform Construction Code* and authored its *Uniform Fire Code*. Such groups as President Reagan's Commission on Housing and the United States Business Roundtable recognized his efforts as having placed New Jersey in the forefront of building safety nationally.

A leader in the building safety profession at the national as well as the state level, he served as president of Building Officials and Code Administrators International, an organization of building safety professionals, and led its code development efforts for many years as chairman of its Code Change Committee. He was vice chairman of the National Institute of Building Sciences, a corporation created by Congress to advance building and technology and safety. He also served as a member of the Life Safety Code

Committee of the National Fire Protection Association, chairman of the National Board for Coordination of Model Codes, and as an officer of the Council of American Building Officials, as well as being a member of numerous other building code organizations.

Mr. Decker led efforts to establish a single national building safety code and strengthen enforcement of safety codes at all levels of government. A 1965 graduate of Syracuse University School of Architecture, he was a registered architect and served on the State Board of Architects. His efforts were recognized by many organizations across the country, most significantly Building Officials and Code Administrators International, which conferred on him its highest recognition, the Walker S. Lee Award, in 1982.

Mr. Decker is survived by his wife, Susan Lenz Decker, two daughters, Betsey Lynn Walters and Kelly Eileen Decker, his parents, Bernice and Charles M. Decker, Sr., two sisters, Dr. Linda Lee Decker and Peggy McCormick. Contributions may be made to the attention of Catie Riley, Appalachian Mountain Club, 5 Joyce Street, Boston, Massachusetts 02108, in memory of Charles M. Decker, Jr.

Violations: The Code Should be Cited

Some builders have complained that while citing code violations during an inspection and the plan review for a project, the code officials do not cite the specific code sections. When requesting specific code citations they got the following answers:

"Something doesn't look right."

"It's implied."

"That's the way I've been doing it for 15 years."

"Look for yourself, it's right in the code book."

"I guess so."

"Get to your architect."

"I heard it in a seminar."

And so on.

The fact is, these are not good answers. Code officials should identify the violations with the pertinent section numbers on the Not Approved sticker (F230B) in the comments section. *N.J.A.C. 5:23-2.18(e)* requires you to list all discrepancies and violations in your reports. Since these are public records, save yourself time and effort and list the reason for failure and the citation on the Not Approved Sticker. If you would like help with a particular situation, call the Bureau of Technical Services at 609/530-8793.

Source: William Hartz
Chief, Bureau of Technical Services

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BOCA's Certification Maintenance Program: An Update

When the BOCA Certification Maintenance Program was announced last year, BOCA received many requests for clarification regarding what constitutes "acceptable" continuing education. Another frequent question was, "What constitutes one hour of continuing education?" During the past year, BOCA's Training Services Committee addressed all the questions that were asked and prepared a comprehensive recommendation to the BOCA Board of Directors. The Board, in turn, accepted and established the committee recommendations September 18, 1993, at its Board of Directors Meeting in Atlantic City, New Jersey.

The Certification Maintenance Program applies to all categories of certification offered by BOCA and to all persons currently certified by BOCA, as well as candidates who have requested certification and are awaiting testing. Certification with BOCA is maintained (renewed) at the end of each certification maintenance cycle by fulfilling one of two options:

1. Completion of 15 hours of continuing education or continuing education equivalent for each BOCA certificate held. The maximum number of hours required is 45, regardless of the number of certificates held. Or,
2. Successful completion of the examinations required for initial certification in the category or categories to be maintained.

For persons certified before January 1, 1993, the start-up

certification maintenance cycle is two years. Certificate holders in this category may use continuing education obtained since January 1, 1990.

For newly issued certificates, the certification maintenance cycle is three years from the date of issuance of a BOCA certificate. When a certificate is renewed, the certification maintenance cycle is three years from the date of renewal.

Many terms have been defined in the context of certification maintenance:

Continuing Education

Training or education activities whose objectives include providing relevant professional skills and knowledge beyond those required for initial certification.

Hour of Continuing Education

One clock hour of interaction between learner and instructor.

Acceptable Continuing Education

This term is used to identify the training activities which may be used toward certification maintenance and renewal. It includes, and is limited to:

1. Continuing education delivered, offered, or sponsored by a BOCA chapter when the chapter has complied with the requirements for chapter accreditation as established by the BOCA Training Services Committee.
2. Continuing education delivered, offered, or sponsored by an accredited academic institution. For purposes of this policy, an accredited academic institution is a high school, community college, junior college, college, university, technical or vocational school, or similar institution.
3. Continuing education delivered, offered, or sponsored by BOCA International.
4. Continuing education delivered, offered, sponsored, or approved by a state code enforcement, certification, or licensing agency for delivery within that state, and whose procedures have met the requirements for accreditation under the program established by the BOCA Training Services Committee for that purpose.
5. Continuing education delivered by a "Certified Provider" under the program available through the International Association for Continuing Education and Training.
6. Attendance at and participation in BOCA code change hearings (not to exceed 5 hours credit for each semiannual hearing).

The Board of Directors is confident that the Certification Maintenance Program will enhance the credibility of BOCA Certification and will allow code officials to continue to demonstrate and prove their competence in code enforcement.

Source: Kathleen Mihelich
Vice President, Human Resource Development
BOCA International

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Late Fees for License Renewal

Inspectors whose licenses are due to expire on January 31, 1994, take note! To have your license renewed, you must send in your renewal form with the \$43 fee, and you must have fulfilled your continuing education requirement! If you have not taken all the seminars you need to renew, you will be assessed an *additional* \$43 late fee before you can participate in any training next year.

DCA Notes

Elevator Interim License

The Department is proposing a change to the elevator licensing requirements. Present requirements in *N.J.A.C. 5:23-5.4(g)2* allow those working as elevator inspectors on June 30, 1992 to continue to work without an elevator license until June 30, 1996. The proposed change would require all those unlicensed inspectors to document to the Department that they were employed on June 30, 1992. They would then be registered. Individuals who have also completed the course and test requirements would be eligible to receive an interim elevator inspector's license until the experience requirement is met. Please check the *New Jersey Register* for the details of this proposal.

DCA/BOCA Certification

Below is an article by Kathleen Mihelich of BOCA International on the BOCA Recertification Program. Susan McLaughlin, Supervisor of the DCA Education Unit, has already submitted New Jersey's application to BOCA for approval. If approved, this means all NJDCA-approved seminars are automatically approved by BOCA for recertification. As you know, BOCA Certification is not required for your New Jersey UCC license, but if you hold a BOCA Certification and wish to be recertified, you may use the same NJDCA courses for BOCA that you used for your UCC renewal.

Source: William Hartz
Chief, Bureau of Technical Services

Inspection Stickers: Use Them!

Believe it or not, inspection stickers have a purpose other than sitting in your car or on the office shelf; please use them. *N.J.A.C. 5:23-4.5(b)* Municipal Enforcing Agencies, Administration and Enforcement—Forms, lists the standardized forms that are *required* for use by a local enforcing agency. "Approved" and "Not Approved" stickers are among them.

On the practical side, the stickers are intended to inform the builder, agent, or property owner a) that you showed up and performed an inspection, and b) the results of the inspection—approved or not approved and why. Leaving a sticker will cut down on phone calls to your office inquiring whether a specific job passed or failed. It will also reduce phone calls to our office from property owners questioning whether inspections were done,

reasons for failure, etc. The more information you provide on the sticker, the better.

One reason code officials tell us they avoid stickers is that it takes time to fill them out. Another reason some officials hesitate to use them is that contractors may be hassled by property owners who see a red sticker. Neither of these is an excuse for disregarding the UCC regulations. The sticker is very easy to fill out, and will save you plenty of time and aggravation later. If you frequently need to make several comments, the sticker can be incorporated with the Inspection Notice, an optional form which provides more room for comments. So please take the couple of extra minutes and use the stickers. You will find it worthwhile in the long run, in that it saves you time and may prevent a complaint to the Bureau.

Source: Gerald Grayce
Bureau of Regulatory Affairs

To Tell the Truth: FRT Roof Sheathing

During the mid 1980s, New Jersey experienced an uncommon building boom. Tens of thousands of condominium and townhouse units were built in a record period of time. Because of the reported failure of fire retardant treated (FRT) plywood roof sheathing, the Department has had a unique opportunity to evaluate the construction practices which took place.

The New Home Warranty and Builders' Registration Act (*N.J.S.A. 46:3B-1 et seq.*) was amended to assure the owners of new homes with defective FRT plywood roof sheathing of warranty protection, regardless of the warranty plan in which their homes were enrolled. This legislation was enacted to provide a timely remedy for major structural defects that result from the failure of FRT plywood.

After nearly 1500 roof inspections, we have found the following construction deficiencies to be all too common:

1. Roof trusses were installed exceeding the 24 in. on center, which caused roof sheathing buckling.
2. In the area where FRT plywood was installed four ft. from the firewall by code, skylights, fireplace chimneys, "B" flues, plumbing stacks, clothes dryers, bathroom exhausts, and passive vents penetrated the FRT plywood, which is in violation of the code.
3. "H" clips were not installed, though specified by the manufacturer.
4. Nailing schedules for FRT sheathing were not followed. In many instances, nails exceeded the limit in inches so that the plywood was not secured to the trusses. Also, in some cases the roof sheathing did not rest flush on the trusses.
5. In some cases, the entire roof was constructed of FRT roof sheathing.
6. Ridge vents were not properly sized as per BOCA code, and were in some instances blocked by felt paper or roof sheathing.

Clothes dryer vents and bathroom exhaust vents terminated in attic. These vents, by code, must terminate to the exterior. In addition, owners of units altered roof trusses to provide for additional living and storage space, weakening the trusses and roofs.

If anyone tells you that a building inspector is not necessary to ensure minimum quality in construction, please show them this article. As you have seen, if the building official is not checking, the job's not being done right.

Source: Tom Andreas
FRT Claims

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Technical Assistants Deserve More Recognition

What would happen if your technical assistant/control person stopped coming to work?

What would happen if your technical assistant/control person became ill for an extended period of time?

How much do you depend on your technical assistant/control person?

How do your city fathers view this position?

Could someone off the street (a clerk-typist) step into this position and your office not suffer?

Is your technical assistant/control person paid in proportion to the work performed?

If we construction officials try to answer these questions, it can be a frightening proposition.

I work in a municipality that is civil service and union, and neither views this position as more than a clerk-typist. Yet, we know the job responsibilities are far more than that. It is long overdue that people in this position be recognized and respected for their importance to the construction office. Currently, DCA is working to establish updated titles and specifications for the technical assistant/control person, but we construction officials need to let civil service, our city fathers, and DCA know the importance of this position.

These people are professionals. Let's get them the titles, respect, and pay they deserve. Evaluate your people and what they do. Push for establishment of updated titles and specifications. Let's not continue to take these people for granted.

Source: Kevin J. Kirchner
City of Vineland and Twp. of Deerfield

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Floor Tile Removal

Friable removal of floor tile in buildings under Subchapter 8 (daycare centers; public and private schools; colleges and universities; municipal, county, and state buildings; and those buildings eased by the government or regularly occupied by government workers) is controlled by Subchapter 8. According to the Subchapter,

if asbestos-containing floor tile is removed in a *nonfriable* way, it is exempt from other requirements in the Subchapter.

The Department has had some difficulty with ASCM firms who have attempted to do nonfriable removals with only scrapers. There may be some instances in which floor tiles are in excellent condition, and the mastic holding them is so weakened that the tiles can be lifted, without breaking, and easily removed. This is not always the case. The amount of tile breakage which occurs during floor tile removal and the manner in which the material is treated can render a removal friable. In general, the Department considers scraping and breaking up tile without wetting or taking other precautions to be a friable removal.

The Department has noted a recent trend among some ASCM firms to improperly quote and rely upon a USEPA discussion of floor tile and breakage from the *Federal Register* dated 11/20/90. Even the federal materials distinguish between floor tile "...in good condition..." which "...can be broken by hand into a few large pieces..." and "...floor tile that has lost its structural matrix, is in poor condition and can be broken into many small pieces in one effort." The latter case is subject to friable removal.

While many inquirers have sought to get the Department to give the last word on floor tile, there is no last word. Each job site must be evaluated based on the tile, its age, its condition, and the removal technique. If no equipment or supplies other than scrapers are at a site, a DCA inspector will be concerned that a removal may, in fact, be friable. If tiles in place or already bagged are brittle and crumbly, the inspector will note that the material is friable.

Our inspectors have found vinyl asbestos floor tile (VAT) removals this summer in which chipping and scraping was the only method used, in which ACM materials were not wetted, and in which air samples taken on site showed impermissible fiber counts. The actual percentage of asbestos in tile may be key to whether fiber counts are high.

Finally, if VAT is broken to such an extent that it is clearly friable before workers arrive on site, the removal of these broken, already friable tiles is probably friable. Neither the Department nor the misquoted EPA has ever stated that all breakage of nonfriable materials is safe when done without controls and precautions. For an ASCM firm or an AST to suggest this, the firm must misread both the *Federal Register* and Subchapter 8 in a blatantly self-serving way, and to fail to exercise the discretion a knowledgeable ASCM firm and/or AST is supposed to exercise to protect the health and safety of New Jersey's citizens and visitors.

An official who finds floor tile being friably removed without a permit should call the Department's Asbestos Unit at 609/530-8812. It is possible to issue a stop work order if necessary.

If there is any question about what is occurring at a site, an official should ask for the help of one of the Department's asbestos inspectors who can visit the site and determine whether a Subchapter 8 permit and containment requirements are necessary.

Source: Chrystene Wyluda
Supervisor, Asbestos Unit

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Elevator Devices and Layout Drawings

The Elevator Safety Unit has received many inquiries from subcode officials, owners, elevator industry, and consultants concerning the type of technical information which is required for elevator plans submitted along with the application for a construction permit. This article will clarify the requirements.

Industry practice may confuse layout drawings, shop drawings and plans. As per the *Uniform Construction Code*, the application for the permit, except a permit for minor work, is required to be accompanied by specifications and plans. There are a minimum of two copies of specifications, plans, and other supporting information as may be required by the reviewing agencies which shall be submitted. When the Department reviews plans, a minimum of three sets is required.

Also, the regulations stipulate that all this information must be signed and sealed by a registered architect or licensed engineer as defined by the statutory requirements of the professional registration laws of this state. The signature and seal are required to be affixed to each sheet of each copy of the plans and on the first or title sheet of the specification and on additional supportive information submitted (*N.J.A.C. 5:23-2.15 (e) 1.vii*).

N.J.A.C. 5:23-2.15(e) 1 requires that the plans be drawn to scale and include information that is necessary to assure compliance with the requirements of the codes. *ASME A17.1-Safety Code for Elevators and Escalators* refers to such plans as layout drawings. Thus, layout drawings shall serve as plans for verification for compliance with the applicable requirements in the Uniform Construction Code, *ASME A17.1*, *BOCA*, and other applicable governing codes in effect. *N.J.A.C. 5:23-2.15(e) 1.vi* allows for additional engineering information to be requested by the appropriate subcode official when it is deemed necessary to assure code compliance. When additional information is required, then it may consist of, but is not limited to, shop drawings which give great detail of elevator device components, computations, diagrams, etc.

A bulletin is planned with more detailed information on requirements for elevator plan review.

Source: Paulina Caploon
Bureau of Codes Services

More on Telecommunications Wiring Exemption

In the fall 1993 issue of the *Construction Code Communicator*, code officials were advised not to insist on seeing an identification card from the exempt contractors applying for a permit for telecommunications wiring installation work. The Board of Examiners of Electrical Contractors recently informed DCA that the Board has started issuing Telecommunications Wiring Exemption letters in lieu of the identification cards, which are in the process of being printed. Each exemption letter must be an original, with the Board's seal and the executive director's signature.

The Board anticipates beginning to issue the Telecommunications Wiring Exemption cards by the end of this year. Thereafter, code officials will be required to see identification cards only. Code officials are advised to review the definition and details of Telecommunications Wiring set forth in *N.J.A.C. 13:31-1.17(a)* to (c), as to what is covered and what is not covered under the exemption. It is important to know that this exemption is not applicable to installations in hazardous/classified areas.

If you have questions concerning this matter, call the State Board of Examiners of Electrical Contractors at 201/504-6410.

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

Elevators and Nonconforming Materials

Elevators are complex mechanical devices and are installed based on established industry practice as required by codes. As with all construction, procedures are available to allow for the use of new technologies through the procedure established at *N.J.A.C. 5:23-3.7 Municipal Approvals of Nonconforming Materials*.

Sometimes, subcode officials become concerned about this responsibility and the authority to give such approval. The subcode official is required to review such nonconforming material based on proof that the material will perform in the same way as the conforming material. The UCC outlines the normal practice of requiring research and investigations with supporting documentation. These written documents must give satisfactory proof of performance before a subcode official can give approval. Therefore, these documents become part of a file which is kept to document this approval. The documents clearly place the responsibility for the materials performance on the owner, supplier, manufacturer, or installer who is requesting that such nonconforming material be used.

An elevator subcode official should consult the appropriate *A17.1* regulation to see if there is any specific guidance as to prohibition or testing requirements for nonconforming materials. For example, *ANSI A17.1-201.1a* discusses buffers and allows for spring, oil, or equivalent type. Therefore, you could require someone who is supplying a nonconforming buffer to give you documentation that indicates the buffer's equivalence to the buffer type for which it is being substituted under the regulation.

Also, *ANSI A17.1-212.9a(2)* allows for other types of rope fastenings and gives specifics as to what tests or design criteria these other fastenings must meet. Under this section, laboratory tests are required to assure equivalence, and the official should make sure that a direct reference to the appropriate code is part of the test results.

The subcode official, if he/she follows the procedure, accepts no more liability for the materials performance than for approving conforming material. The key is adequate support documentation prior to approval.

Source: Richard Osworth
Chief, Bureau of Codes Services

Using UCCARS

The majority of the UCCARS user community sends permit and certificate information electronically to DCA via modem each month. Some offices do not have a modem. A few have a modem but cannot get it working. Remember that if your office issues more than 200 permits per year, you have until December 31 to start your monthly transmissions.

If there were an element of computing that could fall under the category of black magic, communications would be it. When set up properly, your computer system will perform the task of sending your reports to DCA flawlessly, month after month. Depending on your computer system and your level of technical expertise, you might have had a frustrating time setting it up. But be assured that we have never seen an installation for which communications could *not* be set up, regardless of the complexities of the computer system or the network.

There are many processes that must mesh properly for the function of communications to take place. And there are internal conflicts that can occur within your computer, preventing it from communicating with the outside world. If you or your vendor cannot get your modem working, that's no excuse for not transmitting. It can be done. Problems are sometimes caused by defective modems, or by the installation of high speed sophisticated modems that are not set up correctly. Or somebody installs a modem in a way that it conflicts with another device already in the computer...or vice versa. The UCCOMM communications setup program sometimes is not run according to instructions. At times we have found the wrong Crosstalk program (Mark IV) installed, rather than the correct Crosstalk XVI program; and newer faster computers often need the current version of Crosstalk-older versions may not work. We've also seen the UCCARS and/or Crosstalk programs installed in incorrect directory structures. Last but not least, are you sure your phone line works?

Let's examine what happens in a properly set up computer at the end of the month. At the main menu of UCCARS, when you select the option 'Send Data to DCA', UCCARS scans your entire database for permits and certificates that have not yet been sent. The data you had entered for these permits and certificates are copied from your UCCARS database and are reformatted into a special data file that DCA's computers are set up to accept. UCCARS then instructs your computer to execute the Crosstalk communications program. Crosstalk immediately reads special instruction files stored in your computer. These files contain information that instructs Crosstalk to place a telephone call via the modem to DCA's computer, and to transmit the data contained in the newly created UCCARS data file from your hard disk through the modem and over the telephone line into the computer at the other end. When this data file has sent and received correctly, DCA's computer sends a message to your computer acknowledging receipt. The Crosstalk program then terminates and UCCARS regains control of your computer. Next, UCCARS re-scans your permit database and marks off those permits and certificates that were just now successfully sent to DCA's computer. That way only

the new entries will be selected for transmission next time.

Sometimes during transmission of your data you will see the number of blocks with errors increasing. These are not blocks relating to blocks and lots, but rather chunks, or "blocks," of data that are sent one at a time. When each data block is received at the other end, DCA's computer is able to detect whether any of the data has been altered during transmission. If it has, your computer is requested to retransmit that particular block of data. If the phone line has become noisy and many blocks become garbled, you will see the error count rapidly increasing. When that happens, it is best to terminate the communications session and try again.

Once your computer is set up properly and you have been transmitting data each month, what can go wrong? Not much. The modem might fail. The telephone line might go bad or simply get unplugged. Or somebody might have added a mouse or a new application on your computer and inadvertently disrupted the communications setup. Any of these problems can be easily resolved.

When setting up your communications initially on your computer, you must have a Hayes modem installed, a copy of the Crosstalk XVI communications program loaded, and a telephone line connected. In addition to the UCCARS program, you must also have a copy of the UCCOMM program and its instructions which you received at the training class. Remember the special instruction files that tell Crosstalk what to do and how to do it? These are automatically created by UCCOMM. When you run UCCOMM, you provide information on how your modem is set up, what speed it runs at, what serial port it connects to inside your PC, and the way DCA's telephone number must be dialed from your location. Once these items are specified, UCCOMM takes over and does the rest.

And after the communications setup has been established on your computer, you never have to do worry about it again. If all goes well (and it usually does), your computer will do all the steps necessary to send your reports to DCA month after month. All you have to do from now on is to select 'Send Data to DCA' from the main menu, then sit back while your computer does the rest.

Source: Stan Kosciuk

President, Municipal Information Systems, Inc. *

Special Notice

Neither a Letter of No Interest nor a Stream Encroachment Permit relieves the municipality from enforcing the Flood Damage Prevention ordinance *nor* the construction official from enforcing the flood resistant construction requirements listed in the *BOCA National Building Code*. Letters of No Interest and Stream Encroachment Permits are just two of the many prior approvals needed to administer and enforce the requirements of the flood damage prevention ordinance.

If you have any questions, please contact Bruce Wallauer, NJDEPE, NFIP Community Assistance, at 609/292-2296.

Ordinary Repairs

Ordinarily, I get to choose what I write about. But, in this case, I was assigned to write an article on the new rules concerning Ordinary Repairs (see October 4, 1993 *New Jersey Register*, 23 NJR 4592).

Without spending an inordinate amount of time, here are the highlights.

Building: Things remained fairly orderly here... the main change was a clarification that egress windows and doors may be replaced, as long as they don't reduce the original opening. That is, they don't have to be upgraded to present code.

Plumbing: Changes here really sent the ordinance flying. The major change was an exception to allow a water closet or a lavatory or a sink in a single-family dwelling to be replaced without a permit. The replacement of clothes washers and dishwashers was also added.

Electrical: No big ordeal here. The changes clarified the application of existing rules by not requiring a permit for telephone wiring in one- and two-family dwellings. A permit is not required for telephone wiring in other occupancies if the work does not involve the penetration of a fire wall and is not located in a hazardous location. The replacement of dishwashers and kitchen range hoods were also added.

Fire: Nothing added or deleted.

HVAC: The replacement of packaged air conditioning units was ordered out of the scope of ordinary repairs.

Elevator: In order to keep elevators from being out of order, a host of ordinary elevator repairs were added.

Source: Michael Baier
Bureau of Technical Services

1993 Codes Adopted

Through a public notice in the *New Jersey Register* dated April 5, 1993, all the 1993 codes (and 1992 CABO) were adopted effective May 1, 1993. The administrative amendment proposed to these codes appeared in the *New Jersey Register* dated September 7, 1993. The grace period which gives the builder a choice to use the new code or the old code expired on November 1, 1993. The amendments to the '93 codes are scheduled to be adopted in the *New Jersey Register* issue of December 20, 1993.

In order to use the 1993 codes during the grace period and before the adoption of the amendments, the builder/code official should basically follow the same guidelines as adopted for the 1990 codes and 1991 supplement, or consult the amendment proposal in the *NJR*. If there is any confusion about the applicability of a particular section, please contact the Code Assistance Unit of the Bureau of Technical Services at 609/530-8793.

Source: Farid Ahmad
Supervisor, Code Assistance Unit

Excuse Me!!

Appropriate Gas Piping Systems

Everyone has problems with gas from time to time. This article will tell you where you can go to get some relief.

How do I make sure my piping system can handle my gas? That's an easy question for some of our gas piping systems, but not for all of them. The tables in the *BOCA Mechanical Code* provide information for sizing most piping systems. However, for plastic piping and the new corrugated stainless steel piping, there are no tables. This leaves you with two choices. The first is using the formula in Section M-805.4 and doing algebra for the rest of the day (week?) and probably giving yourself dyspepsia. The second is finding a table somewhere else that can be used.

The *National Fuel Gas Code* contains tables for sizing corrugated stainless steel in Part 10. Plastic piping should be sized based on manufacturers' tables, or, alternatively, the literature provided by some of the gas companies offers guidance.

Now... don't you feel a lot better?

Source: Michael Baier
Bureau of Technical Services

New Jersey Register Adoptions

Date	Adoption
10/4/93	25 NJR 4592(a) Interpretations Ordinary Repairs Adopted Amendment: <i>N.J.A.C.</i> 5:23-2.7. Adopted New Rule: <i>N.J.A.C.</i> 5:23-9.3, effective 10/4/93.
11/15/93	25 NJR 5145(c) Minor Work; Ordinary Repairs Adopted Amendments: <i>N.J.A.C.</i> 5:23-1.4, 2.7, and 2.17A, effective 11/15/93. 25 NJR 5146(a) Municipal Enforcing Agencies; Administration and Enforcement Adopted Amendment: <i>N.J.A.C.</i> 5:23-4.5, effective 11/15/93.

Source: E. Maria Roth
Code Assistance Unit

Door Size Regs: CABO vs. BOCA

CABO does not contain the "interior egress door" concept referred to at BOCA 1993 section 1017.3 Size of Doors. The only door CABO considers essential for life safety is the single exterior "required exit door" in a single-family dwelling.

Therefore, it is not appropriate to transfer the new BOCA requirements for 29-3/4 in. interior egress doors into CABO projects by using the device at *N.J.A.C.* 5:23-2.2(C). Both codes are clear on this subject.

Source: E. Maria Roth
Code Assistance Unit

Mechanical Inspector Comments

In the fall edition of the *Communicator*, I requested comments on how the mechanical inspector's license was working. I was certainly disappointed in the response, but there were two comments:

Comment 1: This is a watered-down version of an important subcode with no teeth to do anything with. Make the mechanical subcode a separate subcode.

Response: It is entirely possible a mechanical subcode will someday be a reality. This mechanical license was an attempt to address what appeared to be excessive fees, because of multiple subcodes, for mechanical equipment in R3 and R4 use groups.

Comment 2: We were going to use the mechanical license, but we only wanted to use it for alteration work, not new work, since all the inspectors would be on site anyway.

Response: This is acceptable. If you use a mechanical inspector only for alteration work in R3 and R4 use groups, just include this in your fee ordinance.

There are over 100 licensed mechanical inspectors and I expect another 40 to 50 after the next test results are announced. Very few, if any, seem to be using the license, however, and I am still interested in hearing your comments.

Source: William Hartz
Chief, Bureau of Technical Services

SDR 35 Opinion

In the fall edition of the *Communicator*, I mentioned that a formal position statement on the acceptability of SDR 35 pipe would be issued by the National Standard Plumbing Code. Below is a reprint of the position statement:

Approved Use of SDR 35 Pipe

The National Standard Plumbing Code (NSPC) Committee adopted changes in Chapter 3, MATERIALS, relating to the approved use of SDR 26 pipe at the August 1992 Public Hearing.

These changes originally appeared in the 1993 edition of the NSPC. In addition to the changes requiring the use of SDR 26 pipe, the Committee also made major changes to the format of Chapter 3.

Tables 3.5 MATERIALS FOR SANITARY WASTE AND DRAIN, 3.6 MATERIALS FOR VENT PIPING and 3.7 MATERIALS FOR STORM DRAINAGE were added to assist the Code user in determining the approved material to be used given a specific application. Additionally, footnotes were added to the bottom of these tables to clarify the requirements of the Code.

Confusion has occurred because of the standard cited in Table 3.1.3 for SDR Pipe. ASTM D3034 lists the equivalent pipe

stiffness for SDR 35 pipe as 46 (PS-46). Tables 3.5, 3.6, and 3.7, footnote (2) require plastic sewer pipe to be classified by pipe stiffness PS-46.

The NSPC Committee formally takes the following position:

- (1) SDR 35 (PS-46) pipe shall not be permitted to be used below or above ground within buildings.
- (2) SDR 35 (PS-46) pipe shall be permitted to be used for sewer piping outside of buildings.
- (3) Plastic DWV piping underground within buildings shall be SDR 26 (PS-100) pipe or heavier.

For further information, please call the Code Secretariat at 1-800-533-7694 or the NSPC Interpretation Office at 1-800-253-4491.

If there are any questions on the statement, you can call either the number within the statement or me at 609/530-8793.

Source: Michael Baier
Code Assistance Unit

All Tanked Up

So much has been written about underground storage tanks that it is becoming difficult to keep track of the information. *N.J.A.C.* 5:23-3.11B, Bulletin 88-3, Bulletin 88-8, Bulletin 91-4, Bulletin 92-2, and Bulletin 93-1 are all places where we've given information on underground storage tanks. Here is a short description of what each of these items discusses.

- *N.J.A.C.* 5:23-3.11B outlines DEPE's responsibility for underground storage tanks.
- Bulletin 88-3 states that code officials can require residential oil tanks to be removed if the tank constitutes an unsafe structure.
- Bulletin 88-8 is the DEPE checklist for code officials when installing or removing underground storage tanks that fall under DEPE's jurisdiction.
- Bulletin 91-4 outlines the allowable methods for abandoning residential oil tanks that are not under DEPE's jurisdiction. *It also specifies that only one subcode technical section is required for tank demolition permits.* The discipline is determined by the construction official.
- Bulletin 92-2 specifies acceptable leak detection and corrosion protection under the mechanical subcode. This bulletin does not apply to tanks falling under DEPE's jurisdiction.
- Bulletin 93-1 requires that when structures are converted from fuel oil to natural gas, some type of permitting activity related to removal of the fuel oil tank, vent, and fill pipes must also be submitted.

Source: Michael Baier
Code Assistance Unit

Common Misconceptions

Recently, I participated in a discussion regarding some code issues not being uniformly enforced. This meeting included representatives of the New Jersey Builders Association and the Building Officials Association of New Jersey. In an effort to clarify two of the issues raised, I will cover them in this edition of the *Communicator*. I intend to address other issues (and there are several) in future editions.

First is the issue of whether drywall is required in a nonrated, floor-ceiling assembly above heating systems/units. The current adopted codes do not require drywall to be installed above the heating system; e.g., gas or oil-fired boiler or furnace. Manufacturer's installation specifications typically do not require drywall either, but do require a specific minimum clearance between the top of the unit and combustible materials. Should the unit not comply with manufacturer's clearance specifications, Chapter 11 of the 1993 *BOCA National Mechanical Code* outlines acceptable clearance reduction methods. Drywall fastened to joists is *not* one of them.

The second issue involves the following situation: A set of residential drawings is received showing two bedrooms and one den; the den has a closet and a non-egress window. Can the official assume that this den might someday be used as a bedroom and require smoke detection and an egress window?

The answer is *no*. We as officials cannot assume how the homeowner or resident will use a room, but can only deal with the room as it is designated on the plan. Nothing in the code restricts a den from having a closet. We suggest in this situation that you specify on the Certificate of Occupancy "R-3, 2 bedrooms, 1 den." This will make clear what the room is designated for. Should the use subsequently change, the conditions of the Certificate will have been violated.

Source: Gerald Grayce
Bureau of Regulatory Affairs



National Certification Test Dates

Below are the registration and test dates for future test administrations:

Registration Deadline	Test Date
March 17, 1994	April 23, 1994
July 14, 1994	August 20, 1994
October 13, 1994	November 19, 1994
March 16, 1995	April 22, 1995

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