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What Is Happening with Publications?

The Department of Community Affairs has long used the state's Office of Administrative Law (OAL) to print the updated transmittals for the Uniform Construction Code. At that time, the OAL also published the *New Jersey Register* and the full *New Jersey Administrative Code*. The Uniform Construction Code (UCC) is a small part (Title 5, chapter 23) of the New Jersey Administrative Code. The OAL recently privatized its publications services and awarded a contract to the West Publishing Company, a major legal publisher. West Publishing will print and distribute the *New Jersey Register* and the entire *New Jersey Administrative Code* for the OAL.

Since the OAL can no longer print and publish the UCC for us, we have decided to use West Publishing as well. This should result in more frequent and timely distribution of code amendments, interpretations, formal technical opinions, and bulletins to all subscribers.

The Division is currently in the process of making a complimentary UCC in a new 8-1/2" X 11" format available to all current subscribers. This is a limited time offer and those affected have been notified. This process should be complete by the end of March. We will no longer be able to provide a complimentary subscription service to all licensed construction code officials; the complimentary subscription service will be available only to those licensed construction code officials who are working with municipal, county, state, or on-site agencies. All other licensed officials

will need to purchase the subscription service in order to keep their code editions current.

The cost will be \$35 for the UCC and \$30 for a one year subscription service.

Updates to the old 6" X 9" UCC format are no longer available. With the issuance of the new UCC, the old 6" X 9" version of the "Blue Book" will be incomplete and outdated.

Source: Kevin Luckie
Office of Financial and Logistical Services
Division of Codes and Standards

Range Hood Extinguishing Systems

The purpose of this article is to (1) remind you that fixed automatic fire extinguishing systems or components are required to be specifically listed for the hazard when used for protection of deep fat fryers, woks, ranges, griddles, and boilers in commercial kitchens, and installed in accordance with the terms of the listing, the manufacturer's instructions, and all applicable NFPA standards; and (2) advise you that a new UL standard is in effect for UL listed systems which makes any significant revisions to UL's test procedures and requirements for extinguishing systems that protect restaurant cooking areas.

On November 21, 1994, the Underwriters Laboratories test standard entitled "UL 300 Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooling Areas" went into effect. UL will now only list systems if they pass the new test

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procedure. This new standard is the result of changes in fire hazards involving commercial cooking equipment (such as the use of insulated "high efficiency" fryers that heat faster and cool slower and the use of vegetable oils in lieu of animal fats which have a higher auto-ignition temperature).

At this time, only wet chemical systems have been listed to the UL 300-1994 standard. Dry chemical systems manufactured after November 21, 1994 have not been listed by UL to this standard although many such systems were listed by UL in the past. This is not to say that systems manufactured or installed prior to November 21, 1994 are unsafe. Also, it is not saying that systems labeled by other approved agencies are unsafe. It is only advising that a new, more conservative standard is in effect at UL for systems they list.

In addition, subscribers to UL's Listing Service for these systems have made substantial changes to their installation instructions which are intended to be used for installing these systems in the field. (The extinguishing system agent container nameplate references the version of the installation manual, by part number, intended to be used for installing and maintaining the system. Systems complying with the new UL 300 standard will reference the most recent version of the installation instructions.)

Based on the above, it is suggested that before approving new systems bearing labels of approved agencies, it be confirmed that the system is listed for the hazard, and that it is installed in accordance with the listing, the manufacturer's instructions, and all applicable NFPA standards.

As a future note, the 1996 International Mechanical Code will reference the UL 300-1994 standard. When the 1996 International Mechanical Code is adopted, all such systems, not just those listed by UL, will have to be listed for conformity with the UL 300 standard. This will result in the installation of better, more reliable, pre-engineered fire extinguishing systems for the protection of restaurant cooking areas which will perform their primary function better than ever before.

Source: Mitchell Malec
Division of Codes and Standards

Delinquent Tax Payment as a Prior Approval

Planning board approval? Zoning Approval? Construction Permit? Yes, yes, and no.

On January 9, 1996, the New Jersey Appellate Division reaffirmed a 1980 lower court ruling. A municipality may not require payment of real estate taxes as a pre-condition to the issuance of a construction permit (*Builders League of South Jersey, Inc. v. Borough of Pine Hill et al.*, A-1696-94T3).

The issue of whether payment of property taxes is a prior approval under *N.J.A.C. 5:23-2.15(a)5* has long been troublesome. A property owner who owed back taxes would only be able to correct a violation or do barrier free renovations, for example, after first paying the taxes. When these situations involve a landlord-tenant relationship, complications arise. (The landlord-tenant issue was litigated and resolved — permit cannot be withheld — in *Ocean County Realtor Board v. Beachwood Borough*, 248 N.J. Super. 241 (Law Div. 1991).)

In the Summer 1993 *Communicator*, an article pointed out the spotty history of municipal ordinances requiring proof that taxes are current before construction permit issuance. That track record is consistent with an old lower court decision that said the Uniform Construction Code preempts and renders unenforceable a municipal ordinance requiring payment of past-due real estate taxes (*Home Builders League v. Township of Evesham*, 174 N.J. Super. 252 (Law Div. 1980)).

The issue involves interpreting a 1987 section in the New Jersey statutes governing municipal licensing of businesses and activities (*N.J.S.A. 40:52-1.2*, or, "Section 1.2"). That section (note that it was passed after the *Home Builders* decision) specifically authorizes a municipality to adopt and enforce an ordinance requiring payment of any delinquent property taxes or assessments before a "license or permit" is issued. The question left, though, was whether the phrase "license or permit" as used in that statute could have been intended to cover UCC permits. The Department as noted in the 1993 *Communicator* article, has viewed *N.J.S.A. 40:52-1.2* as not applicable to UCC permits.

A 1992 Appellate Division decision (*Wildwood Storage Center, Inc. et al. v. Mayor and Council of Wildwood*, 260 N.J. Super. 464) clouded the construction permit issue by reaffirming that a municipality clearly under Section 1.2 has the right to withhold by ordinance issuance of licenses for overdue taxes. It required not much of a legal "stretch" to interpret that right as covering construction permits also. Some thought that *Home Builders* was overruled by *Wildwood*. The Department of Community Affairs thought not (see *Communicator* article noted above).

The court in *Builders League* now analyzes the language of the municipal licensing statute (Section 1.2 referred to above) in the context of when it became law and whether it is preempted by the Uniform Construction Code. The court concludes that the Construction Code Act indeed preempts, and a construction permit cannot be withheld for nonpayment of delinquent taxes.

The temptation for the writer to "quit while she's ahead" is attractive right about now, the siren call of a clear, yes/no answer audible. But, in fairness to those looking for guidance from the Department, and as frequently occurs in matters legal, it ain't that simple . . . This discussion would be misleading and incomplete

without anticipating some obvious further questions. Although the code enforcement community looks to the courts for help in interpreting and clarifying the UCC, the sure progress towards building safety in New Jersey represented by this *Builders League* decision is modest.

Two municipal approvals commonly associated with proposed construction are site plan/subdivision approval and zoning approval. First, a municipal planning board, under a specific provision of the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*), clearly has the power by ordinance to require proof of payment of delinquent taxes prior to site plan, subdivision or planned development approval of a proposed project (*N.J.S.A. 40:55D-39e*). The *Builders League* decision does not affect in any way that municipal power.

Second, the decision in *Builders League* is silent as to withholding a zoning approval, also a well settled and accepted prior approval to construction permit issuance. But, the Municipal Land Use Law again has the answer. *N.J.S.A. 40:55D-65* contains the source authority for zoning ordinance contents, and specifically authorizes the adoption of an ordinance requiring proof of payment of delinquent taxes/assessments as a condition of zoning approval.

The argument of preemption by the Uniform Construction Code Act is inappropriate, since that Act does not cover zoning, a municipal prerogative. Similarly, revenues generated by issuance of zoning permits are not within the purview of the Uniform Construction Code Act, as are the dedicated revenues generated by construction permits, another argument set forth in the decision.

Property taxes are the lion's share of a municipality's revenues. When "something's got to give" at budget time, the governing body is confronted with the perennial choice of raising taxes or cutting services and jobs. Collection of taxes therefore gets high priority on a municipal agenda. As evidenced by just the sections noted in this article, the New Jersey Statutes are peppered with a number of provisions to help out the municipal tax collector wherever possible.

So where does the above leave us in terms of code enforcement? Assuming that appropriate municipal ordinances are in place:

1. May a municipality withhold a *subdivision or site plan* approval until the applicant pays any back taxes or assessments due and owing on the property? Yes.
2. May a municipality withhold a *zoning* approval until the applicant pays any back taxes or assessments due and owing on the property? Yes.
3. May a construction official withhold a *construction permit* if zoning and/or planning board prior approvals are lacking (for nonpayment of back taxes or assessments on the property or for any other reason)? Yes, he or she must.
4. May a construction official withhold a construction permit until the applicant pays any back taxes or assessments due and owing on the property if all required prior approvals are in place? No.

Source: Vivian Lopez
Division of Codes & Standards

The following text is taken from a letter dated December 28, 1995, which was addressed to Certified Radon Mitigators, builders, and code officials. It was signed by William Connolly, Director, Division of Codes and Standards, DCA, and Gerald Nicholls, Director, Division of Environmental Health, Safety, and Analytical Programs, DEP.

Radon Mitigation

It is well documented that radon, a naturally occurring gas formed from the decay of uranium, is linked with an increased risk of lung cancer when residents are exposed to high indoor concentrations over long periods of time. As you are aware, according to the Department of Community Affairs' (DCA's) Radon Hazard Subcode (*N.J.A.C. 5:23-10*), builders are required to incorporate into new construction in Tier One areas, features that might minimize radon gas entry and facilitate any subsequent remediation that might prove necessary. While the Radon Act (*N.J.S.A. 26:2D-72: Necessity for Certification: Exemptions*) allows the Department of Environmental Protection (DEP) to certify anyone safeguarding a building from radon, builders who incorporate radon safeguards into new construction are currently exempted under the DEP's Radon Certification Regulations (*N.J.A.C. 7:28-27.31(a)2*), provided they are in compliance with DCA's regulations. While the DEP allowed maximum flexibility by not requiring builders to be certified when performing safeguarding activities under the Radon Hazard Subcode, builders electing to install complete radon mitigation systems (e.g., installing a fan and/or conducting testing for radon) must be certified. This policy is consistent with the DEP's statutory mandate and provides protection for the consumer provided that builders, certified mitigators, and local code officials work cooperatively to assure the installation of high quality components and systems. Recently, a number of questions have been brought to the attention of the DEP and DCA regarding the need for clearer demarcation of the responsibilities of builders and certified radon mitigators, and the standards for installed radon piping.

As a result of these inquiries, discussions were held between DCA and DEP to clarify the respective roles of builders, mitigators and code officials regarding radon safeguarding measures and to establish initiatives in regard to these responsibilities. We anticipate each of these parties to play an important role in this cooperative effort to ensure proper safeguarding measures. We believe the roles of each participant to be as follows:

(1) Builders

Builders will continue to install radon preventative techniques, in accordance with the Radon Hazard Subcode, in order to facilitate installation, if necessary, of a radon system by a certified individual. Builders cannot install or activate a fan and/or test for radon. Installation of a fan requires pre- and post-radon testing and constitutes installation of a radon mitigation system. These activities are not exempted from the DEP's Radon Certification Rule. While builders incorporating the techniques prescribed in the Radon Hazard Subcode

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Roles of Participants

| | Builders | Mitigators | DCA Officials | Code Officials | DEP Officials |
|--|----------------------|------------|------------------|-------------------|------------------|
| Install radon preventative measures | X (but not a fan) | | | | |
| Market house as mitigated for radon | | X | | | |
| Divulge radon preventative measures proposed or taken & radon potential area to client | X | | | | |
| Install radon systems (both active & passive) | | X | | | |
| Install radon piping (includes beyond "slub up") in new construction | X | X | | | |
| Install radon fan | | X | | | |
| Test for radon (pre and post mitigation) | | X | | | |
| Ensure that preventative measures are properly installed by builders (e.g., radon piping is gas tight) | | | | X | |
| Ensure builders obtain permits | | | | X | |
| Ensure mitigators obtain permits | | | | X | X |
| Report any installations of completed systems by unlicensed parties to DEP | | X | | X | |
| Recommend that builders either hire certified mitigators to oversee the installation of radon features in large developments, or become certified themselves | | | X | | X |

do not have to be certified by the DEP, full remediation (e.g., installation or activation of a fan) must be done by a DEP certified mitigator. Uncertified persons who install complete radon mitigation systems are subject to enforcement penalties including fines. If a builder anticipates substantial work in a Tier One area, he may wish to become a certified mitigator. This will allow him to perform the duties outlined in the "mitigator" section of this letter. Builders must also not market their preventative steps as radon systems, but should inform their clients that certain radon preventative measures have been implemented and encourage them to test for radon with the understanding that, if necessary, full system activation will require a certified mitigator.

(2) Mitigators

As DEP regulations state, mitigators are the only individuals allowed to install radon systems, whether active or passive. A system, as defined by the Department's regulations "means a step or series of steps employed to actively reduce radon levels in buildings including, but not limited to, sealing techniques, natural and forced air ventilation techniques and soil ventilation techniques." The DEP has interpreted this to mean that

builders can install radon piping that exits the building through approved methods. However, once a fan is installed or radon testing is done, the radon safeguard features (e.g., piping) becomes a system. Systems must be installed by certified individuals, who are required to ensure system effectiveness. The certified individual must report all warranty information, proper functioning of mitigation equipment (system operation and maintenance), any adverse health effects produced by system operation, and expected energy costs to the client. The certified individual must also label the system.

(3) Department of Community Affairs (DCA) Officials

DCA officials will continue to ensure that radon preventative techniques are properly installed by builders (e.g., that radon piping is gas tight) by developing a checklist, with DEP assistance, to be used by code officials (see item 4 below) to ensure proper installation of safeguarding measures. This checklist will be communicated through DCA's Newsletter. DCA officials will also assist DEP in developing information that builders should provide to homeowners regarding the radon preventative features they've proposed or are incorporating, along with information about the radon potential of the

DEP and DCA Initiatives

| | DEP Officials | DCA Officials | Code Officials |
|--|---------------|---------------|----------------|
| Develop checklist for code officials to ensure proper installation of radon preventative measures. Communicate through DCA Newsletter. | X | X | |
| Adhere to checklist for ensuring proper installation of radon features. | | | X |
| Develop information for builders to provide to homeowners regarding radon features they propose or have installed. Communicate through DCA warranty guidebook. | X | X | |
| Develop materials to train builders regarding installation of radon features. | X | X | |
| Conduct training course for builders. | X | X | |
| Educate realtors and health officials regarding installation of radon features. | X | | |
| Amend Radon Hazard Subcode as needed. | | X | |

area. This information will be communicated through DCA's guidebook on warranty information. DCA officials will amend the Radon Hazard Subcode if preventative techniques, upon later activation by mitigators, are proven not to be effective.

(4) *Code Officials*

Code officials will ensure proper installation of preventative measures by following the recommendations (checklist) developed by DCA and DEP officials and will ensure that builders are obtaining any necessary permits. Code officials will also report any installation of completed systems by unlicensed individuals to the DEP.

(5) *Department of Environmental Protection*

The DEP will educate builders on the proper installation of radon preventative techniques by developing and conducting a training course for builders with assistance from DCA and the National Home Builder's Association. In addition, the DEP will educate realtors and health officials regarding radon preventative techniques and will assist DCA in any amendments of the Radon Hazard Subcode, as required. The DEP will ensure that mitigators obtain permits for installation of completed systems and will assist DCA in developing information for builders to give to prospective clients. The DEP will also refer any builder installed radon preventative techniques not meeting DCA's Radon Hazard Subcode requirements to the local code official for enforcement. Also, DCA and the DEP recommend that builders hire certified mitigators to oversee the installation of radon preventative steps in large developments, or become certified themselves.

There are several certification options which have always been available to builders under the DEP's Radon Certification Rule. First, a builder may certify his or her company as a radon

mitigation business. In this case, the radon mitigation business needs to employ a certified radon mitigation specialist on staff or as a consultant. Another option is that a builder can become certified as a radon mitigation specialist or technician in order to activate the radon preventative measures he or she has installed, or in order to perform post mitigation testing once the completed system is activated. In this case, the radon mitigation specialist or technician must become affiliated with a certified radon mitigation business. To become a radon mitigation business, specialist, or technician, an application must be submitted to the DEP's Radon Section with the appropriate fee. Radon mitigation specialists and technicians must take a one-time training course and a one-time exam. The DEP can arrange special sessions of training courses and exams to assist builders with the certification process. We strongly urge you to contact the DEP's Radon Section at 1-800-648-0394 (within New Jersey) or 1-609-984-5424 to obtain additional information on becoming certified as a radon mitigation business, specialist or technician.

For your convenience, tables of the aforementioned responsibilities and initiatives involving builders, mitigators, DCA, DEP, and code officials are provided on pages 4 and 5. Through our collective efforts, we hope to continue to provide New Jersey residents with the assurance that their radon safeguarding measures have been installed correctly. In that regard, thank you all for your support in accomplishing this objective. If you have any questions regarding these policies, please contact Fred Sickels, Supervisor of the Radon Section, DEP, at 609/984-5425, or Mitch Malec, Supervisor of Technical Policy, DCA, at 609/292-7898.

Source: December 28, 1995 letter signed by William Connolly, Division of Codes and Standards, and Gerald Nicholls, Division of Environmental Health, Safety, and Analytical Programs, DEP

Accessibility and Nominal Dimensions

For years, in the course on the Barrier Free Subcode, Jeff Applegate and I—and, this fall, John Terry and I—have told you that the Barrier Free Subcode has one absolute dimension, a measurement that is “plus or minus zero.” This was the 18 inch measurement from the adjacent wall to the centerline of the water closet. The draft revision of the CABO/ANSI A117.1 technical standard for accessible design (which is due to be published in 1997), however, includes a two-inch dimensional range for that measurement. Consequently, we see no reason to enforce as absolute a dimension that we anticipate will change significantly with a future code adoption. Therefore, although we cannot adopt the full two-inch range that is proposed in the draft revision of the CABO/ANSI A117.1 standard, we can (and we do) recommend that the 18 inches to the centerline of the water closet be treated as a nominal dimension.

Source: Emily Templeton
Code Development Unit

Barrier Free Recreation: Revised and Explained

On March 18, the revisions to the Barrier Free Subcode, recreation section (N.J.A.C. 5:23-7.2) were published in the *New Jersey Register*. This adoption clarifies several issues that have caused many questions over the past few years. Based in part on a report by a national recreation committee to the Architectural and Transportation Barriers Compliance Board (Access Board) and in part on the standard for accessible parks and recreation facilities published by the Department of the Interior, these rules establish clear standards for what constitutes an accessible route in a park, what constitutes an accessible trail, and to what degree recreational settings must be accessible. The responsibility for ensuring that access is provided remains with the facility manager, but this rule provides a much clearer framework for making the accessibility decisions and determinations.

The major revisions are to the sections on trails, play equipment, and accessible miniature golf facilities.

Accessible Trails: Trails are categorized by challenge level—either 1, 2, or 3. The designation of which level applies is made by the slope of the land and by the improvements to the trail.

Accessible Play Equipment: Play equipment has been divided into two categories. Single function play equipment has only one intended play activity, for example, swings, slides, seesaws, or sandboxes. Access is required TO single function play equipment. Multi-functional play equipment has many play functions (such as swinging, running, jumping, climbing, or sliding) on a single play structure. Access is required ONTO multi-functional play equipment. Access may be provided by ramps or by transfer platforms with transfer points.

Miniature Golf: The confusion of the past few years with regard to miniature golf courses is eliminated by this new rule. There is now a section at the end of “golf courses” that tells what

parts of a miniature golf course must be accessible. This is taken from the recreation report to the Access Board and will probably form the basis for Federal regulations.

At the same time that this adoption is published in the *New Jersey Register* (March 18), there will be a companion proposal. The proposal aims to clarify how the recreation rules are enforced by stating that the facility manager is responsible for enforcing the accessibility components. Although construction permits may be required for some play structures, the code official is not responsible for determining whether the play equipment is accessible. In the absence of a technical standard on which permit requirements can be based, the accessibility determination is made by the equipment manufacturer or designer. There is one exception to this general rule and that is swimming pools. The section on swimming pools gives three clear choices for accessible features. That section, including the accessibility components, is to be enforced by the building subcode official. Comments will be accepted on this proposal through April 18, 1996. If you have opinions, we would like to hear your thoughts!

Source: Emily Templeton
Code Development

Stop Work Orders

You discover an addition is being constructed on a single family dwelling without a construction permit. The project is at the framing stage. It is a shed roof addition and the contractor is in the process of installing 2" X 6" Hemfir roof rafters 16 inch off center spanning 16'; this is clearly a violation of any span table. The rear bearing wall has two large windows framed out without headers. What do you do? Issue a Stop Construction Order, issue a Notice of Violation and Order to Terminate and assessment of penalty, or issue a Notice of Violation and Order to Terminate? The obvious answer is to issue a Stop Construction Order. However, you are under the impression that a Stop Construction Order can only be issued under a permit, so you issue a Notice of Violation and Order to Terminate and Notice and Order to Pay Penalty. Unlike a Stop Construction Order, which carries a daily penalty, a Notice of Violation and Order to Terminate carries a weekly penalty. You have effectively given the violator one week to continue working. This is not an acceptable solution. Your argument may be: “Well, it's the contractor's problem if he or she continues to work past the Notice of Violation and Order to Terminate. He or she is just going to rip out everything anyway.” That logic is flawed. You want to correct potential unsafe conditions as swiftly as possible. Also, the homeowner who hired this contractor bears joint responsibility for bringing about compliance. Therefore, it is important to stop this job as quickly as possible. It will correct a possibly unsafe condition and will limit the potential liability of the homeowner. There is a placard associated with this order as well as language which allows the enforcing agency to concurrently seek an order from a court of competent jurisdiction. Hence, I am suggesting your most logical recourse is to issue a Stop Construction Notice, since your first responsibility is to get the job stopped. Once you

have posted the structure, you can return to the office and issue the Stop Construction Order and Notice to Pay Penalty.

Now let's examine why there is even a question as to the appropriateness of the procedures I just laid out. The confusion arises out of the Construction Official's manual. The manual states that: "The order to stop construction (*N.J.A.C. 5:23-2.31(d)*) under a permit can be issued by any single subcode official or inspector." This sentence, which has been inserted in one of the rewrites of the manual, implies that a permit must be issued in order to issue a Stop Work Notice. In fact, Stop Work Orders, *N.J.A.C. 5:23-2.31(d)* in the Uniform Construction Code, could also lead you to this interpretation. However, the Uniform Construction Code Act, which always takes precedence over the regulations or any authorized publications, at *N.J.S.A. 52:27D-132.C* states that: "If the construction of a structure or building is being undertaken contrary to the provisions of a construction permit, this act, the code, or other applicable laws or ordinances, the enforcing agency may issue a stop construction order...." It is clear that a Stop Construction Order can be issued when a permit has been violated or when a permit was required.

In conclusion, the Stop Construction Order may be issued anytime you, as the code official, believe the set of circumstances warrants such actions. Nothing in the regulations prohibits you from using your own judgment and discretion depending on the severity of the violation.

Source: Louis J. Mraw
Bureau of Regulatory Affairs

Retrofit Devices for Exit-Fixture Conversions

The Department has received numerous inquiries concerning the inspection of retrofit kits that are installed to convert existing incandescent exit fixtures into fluorescent fixtures. These upgrades have become increasingly popular because they offer advantages such as energy savings, possible rebates from utilities, longer life, and greater light output. These upgrades involve replacement of components of a listed assembly. Such replacements, therefore, require a construction permit under the electrical subcode. In most retrofit situations, the requirement for electrical plans is waived. Proper inspection of these kits is not as simple as it appears. It is, therefore, important that the electrical inspector understands the instructions and considers the following specific points at the time of field inspections:

1. *Suitability for installation and use.* Kits must be listed and labeled by a qualified laboratory. Fluorescent retrofit kits are either listed for a specific listed incandescent exit fixture indicating compatibility with the manufacturer's original product or carry a listing label for a generic or universal product application indicating that, when installed in accordance with the accompanying manufacturer's instructions, it will operate safely and as intended. In the latter case, listing alone does not guarantee the compatibility.

2. *Ambient temperature.* Typically, manufacturer's literature does not allow fluorescent retrofit kits to be used in fixtures located in areas subject to temperatures below 50 °F, such as parking structures or warehouses.
3. *Combination system.* Typically, manufacturer's literature does not allow kits to be used in a fixture that is connected to a fire alarm system of the building and used as part of a visual alarm.
4. *AC power only.* Kits cannot be used with fixtures that have a battery pack or a DC power source.
5. *Non-metallic housings.* Kits cannot be used in fixtures with plastic housings unless specifically identified for such use.
6. *Number of lamps.* Kits cannot be used for fixtures employing more than two lamps.
7. *VA comparison.* The Volt-Amperes of the fluorescent retrofit kit should not exceed the VA of the original lamp. This avoids any overloading on central inverter system or generator and prevents system from becoming inoperative.
8. *Emergency illumination.* Code requires that emergency lighting system shall be so designed and installed so that the failure of any individual lighting element cannot leave the space in total darkness.

Inspectors should, therefore, be cautious that replacements be compatible with the existing installations and meet all the code requirements so as to ensure that there is no risk of fire, electric shock, or injury to persons.

Source: Ashok Mehta
Principal Engineer
Code Assistance Unit

Documenting Elevator Documents

Since the July 1, 1991 advent of the Elevator Subcode (ESC), much has been said about managing the Subcode, but not much has been documented about how to create and maintain a low maintenance elevator records file—until now.

As we all know, the original four subcodes are addressed together in the Uniform Construction Code with the ESC joining in as a separate entity because it requires ongoing inspections. Many Local Enforcing Agencies (LEAs) do not apply the original document/file management principles as judiciously to the ESC as they do to the other four subcodes.

Several LEAs with their own Elevator Subcode Official (ESCO) or an on-site inspection agency (OSIA) contract have been reviewed by this contributor, and the following is a composite of the most frequently encountered problem areas.

Each building, with the notable exception of those in Use Groups R-2 (elevator not accessible to the general public), R-3, and R-4, must have its own file in which are kept ALL documents associated with its elevator devices as described at *N.J.A.C. 5:23-12.1(e)*. Obviously, if the building contains many such devices, each bank of elevators should have its own file within the overall building file.

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Documents relating to elevator devices include, but are not limited to, the following:

1. All inspection/test records.
2. Certificates of Compliance/Temporary Certificates of Compliance (CC/TCC).
3. Notices of Violation/Orders to Terminate/Orders to Pay Penalty.
4. All relevant correspondence.
5. Billing invoices.

By placing the most recent documents in the front of the file, a chronological file will result. Files should either be organized by block and lot or by street name alphabetical order with street numbers running low to high for each street. Building owner/lessee or tenant should not be used because of the frequency of name changes.

One sure way of minimizing confusion in buildings with multiple devices is to ensure each such device has a specific device identification number (Car 1, Car 2, etc.) in addition to the elevator registration number required by *N.J.A.C. 5:23-12.4(c)1*. This ID number must be on each elevator inspection record and on each CC/TCC.

LEAs cannot withhold issuance of CCs/TCCs because of non-payment for inspections (*N.J.A.C. 5:23-4.5A(j)5* and *2.25*). However, the issuance of an Order of Penalty can be executed to force payment. Be advised that OSIAs cannot generate billing requirements. The OSIA can generate, as part of the subcode, reports, notices, and orders as long as proper construction official sign-off is obtained. The rule of thumb to consider regarding the division of responsibility between LEAs and OSIAs is that, related to elevator devices, LEAs are purely administrative while OSIAs are exclusively technical.

Ongoing Inspection Logs (L-730A) should be kept separately in ledger book covers or stapled/bound together to prevent them from becoming separated, lost or damaged. These, like the Permit Fee Log, should be kept in chronological order (most current sheet on top) and will serve as a history of all elevator device inspections and tests for your municipality. Log L-710A (Inspection Log) should never be used for documenting elevator inspections; that log is to document construction inspections.

LEAs must ensure that all elevator device fees are codified in the municipality's ordinances. This can be accomplished in two ways. All such fees can be shown or, if the municipality has a contract with an OSIA, the contracted percentage of state fees may be shown along with the percentage (not exceeding 15%) for administrative fees as shown at *N.J.A.C. 5:23-4.18(k)*.

When a municipality changes from one elevator inspection entity to another, be especially mindful of inspection time frames (six months) to ensure that all devices are operating with valid CCs/TCCs. In this regard, construction officials are ultimately responsible for elevator device safety from the standpoint that such time frames are mandated by the UCC.

In closing, be aware that it is to the LEA's advantage to have good records in case there is an in-service problem with a device.

With accurate records, it is a simple matter to reconstruct an inspection/test history when necessary.

Source: Phil van Leeuwen
Elevator Safety Unit

Three-Year License Takes Effect

Effective February 5, 1996, initial licensure awards and renewals will be for a period of three years instead of two years. As a result, a proportionate fee adjustment has been made to reflect this change. The License Application Fee Schedule listed on the last page (page 44) of the Licensing Information Booklet circulated before February 5, 1996 should now read \$65.00 instead of \$43.00, and \$35.00 instead of \$22.00. License Renewal Application fees have also been changed proportionately from \$43.00 to \$65.00. These fee changes do not amount to any significant fee increase, but are the result of a proportionate adjustment of fees to reflect a one-year extension of the present two-year effective dates of licensure to three years.

Any new licenses issued since the effective date will be awarded for three years. We plan to convert current licenses to a three year cycle at six month intervals beginning with July 31, 1996 expirations. The last to be converted will be those who expire January 31, 1998. If you have licensing questions, please call 609/530-8803.

Source: Frank Salamandra
Supervisor of Licensing
Bureau of Code Services

New Educational Requirements

The new three-year license has changed the educational requirements for our inspectors. Once you receive your three-year wallet card, you will be required to take 1.5 CEU for each technical license. There is no change to the administrative requirement — 0.5 CEU for subcode and 0.5 CEU for construction official within a three-year period.

Additionally, if you are multi-licensed and attend a multi-disciplined seminar (B-P-F), you will receive credit of 0.5 CEU for each license that you hold. The exception to this is mechanical. If you hold a mechanical inspector license, you must take 1.5 CEU in mechanical within a three-year period.

Other new features include the option of renewing your license for a shorter period of time to coincide with expiration dates for Uniform Fire Code certification. Also, mandatory seminars may be required at the request of the Department for both local enforcing agencies and inspectors. The construction official of the municipality will be held responsible for mandatory municipal seminars, and inspector's licenses will not be renewed if they have not taken a required seminar.

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

Prior Approvals Are Prior Approvals

Several instances have arisen recently where construction officials have issued partial permits for footings and foundations prior to the receipt of all prior approvals. This is not proper procedure under the Uniform Construction Code and is a misinterpretation of the regulations.

N.J.A.C. 5:23-2.16(g) states, "Approval of part: The construction official shall issue a permit for the construction of foundations or any other part of a building before the entire plans and specifications for the whole building have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code." This part of the regulation must be read in conjunction with *N.J.A.C. 5:23-2.16(j)2*, which provides, "Conditions of permit: The issuance of the construction permit shall be conditioned upon the following: That work will conform to the approved applications, plans, and specifications for which the permit has been issued including prior approvals and any approved amendments thereto." The code thus does not exempt a partial permit from the prior approval requirement. For a partial permit to be issued, all required prior approvals must be in place.

Some construction officials rely on the second sentence of *N.J.A.C. 5:23-2.16(g)* which states, "The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted." Those construction officials then use this sentence to justify issuing partial permits without the required prior approvals. "Proceeding at one's own risk" means starting a project without the assurance that the plans for the completed project will be approved; it does not allow an applicant to start a project without the prior approvals. Thus, an applicant who lacks a required zoning, health department, or other approval should not be issued a partial permit until the construction official can verify that said approvals are properly documented and in place.

Source: Robert Hilzer, Esq.
Bureau of Regulatory Affairs

Conflict of Interest II

The below referenced regulation has been in effect since July 6, 1992.

The Bureau continues to receive inquiries and complaints regarding this portion of the Conflict of Interest Regulations.

Effective: July 6, 1992

CONFLICT OF INTEREST

N.J.A.C. 5:23-4.5(j)

1. No person employed by an enforcing agency as a construction or subcode official or as an inspector shall carry out any inspection or enforcement procedure with respect to any property or business in which he or she, or a member of his or her immediate family, has an economic interest.

- i. Where an inspection or enforcement procedure is necessary or required in any such property or business, the official or inspector shall arrange for the inspection or enforcement to be carried out either by another local enforcing agency or by the Department.

The following examples will provide guidance to officials on how to properly comply with this regulation:

1. The Bureau defines immediate family as mothers, fathers, brothers, sisters, children, and in-laws.

2. If work requiring a permit is undertaken on property owned by a construction official, subcode official, or inspector, the complete project should be handled entirely (i.e., from permit application to Certificate of Occupancy) by another enforcing agency or by the Department of Community Affairs.

3. If work is being undertaken by the construction official's immediate family, the complete project should be handled by another enforcing agency or DCA.

4. In the case of work undertaken by a subcode or inspector's immediate family, only the subcode administered needs to be handled by another municipality. Example: An electrical subcode official's brother constructs an addition; only the electrical subcode is required to be enforced by the other municipality or DCA.

If you have any further questions, please contact Robert Hilzer or William Ferguson at 609/530-8838.

Sources: Robert Hilzer, Esq.
William Ferguson
Bureau of Regulatory Affairs

Price Wars

In the Winter 1994 issue of the *Communicator*, I wrote an article entitled "The Price is Right." That article advised code officials not to get involved in discussions about how much a particular contractor charges for a particular job.

Unfortunately, that article was not as effective as I hoped it would be. A few months ago, we were approached by a group of contractors who are still experiencing problems. They have been so frustrated by the practice that they have retained an attorney and will take legal action against inspectors who engage in the practice of telling homeowners they paid too much.

Remember, ensuring that the homeowner got a "good deal" is not part of your job. It is important to remember that for two reasons. The first is that being a professional means knowing what to say and when to say it. The second is that, since meddling in pricing issues is outside your job description, you are not covered by the New Jersey Tort Claims Act. That means the town does not have to provide legal representation for you and you may be found personally liable.

The Department will issue a bulletin on this in the near future which will give a more thorough description of the problem and its consequences. Please take the time to read it — and heed it.

Source: Mike Baier
Code Assistance

Who Do I Call Now That Bill Hartz Has Retired?

With the retirement of Bill Hartz, the functions of the Bureau of Technical Services have been assigned to other supervisors. So, as a quick reference, here are the units you are accustomed to calling, the people you are used to calling, the phone numbers you are used to dialing (you see, most things have not changed!), and the new supervisors and their phone numbers.

Education Unit — Susan McLaughlin (609) 530-8798 — is now in the Bureau of Code Services, Richard Z. Osworth, Bureau Chief (609) 530-8757

Licensing Unit — Frank Salamandra (609) 530-8803 — is now in the Bureau of Code Services, Richard Z. Osworth, Bureau Chief (609) 530-8757

Publications — Cecilia Heredia (609) 530-8792 — is now in the Office of Financial and Logistical Services, Kevin Luckie, Supervisor (609) 292-7898

Code Assistance — Farid Ahmad (609) 530-8793 — is part of a new Code Assistance and Code Development Section, Amy Fenwick Frank, Supervisor (609) 292-7899.

Source: Emily Templeton
Code Development

Building Safety Conference May 15 – 17, 1996

We have made some changes — new things are happening. There will be no Product Expo this year. Through your suggestions, we have scheduled our First Annual Golf Outing, to be held on May 15. It is open to all with an interest in construction code enforcement — not just licensed officials.

The official opening of the conference begins with our Crackerbarrel gathering of roundtable discussions on Wednesday evening, 6:00–7:30 PM. We have invited staff and support personnel who will present varied topics of interest. This will give you the opportunity to meet some people you may have talked to over the last year.

A new feature added to this year's Inspector of the Year Luncheon will be an award for the "Control Person of the Year." This recognition will be given to a technical assistant in the office of a construction official. Nominations have been received from mayors, township administrators, committee-council members, the public at large, control person organizations, and other control persons.

Conference brochures have been mailed. Please respond promptly.

Conference Events

May 15, 1996

| | |
|---------------|--|
| 9:00AM—3:00PM | Golf Outing — <i>Mays Landing Country Club</i> |
| 4:00PM—7:00PM | Registration — <i>Convention Headquarters</i> |
| 6:00PM—7:30PM | Crackerbarrel — <i>Grand Ballroom</i> (Round Table Discussions) |

May 16, 1996

| | |
|----------------|---|
| 6:30AM—7:45AM | Breakfast — <i>Sultan's Feast</i> |
| 6:30AM—8:30AM | Registration — <i>Convention Headquarters</i> |
| 8:00AM—11:45AM | Educational Programs |
| 12:00PM—2:00PM | Inspector of the Year Luncheon — <i>Grand Ballroom</i> |
| 2:00PM—4:30PM | Educational Programs |
| 4:30PM—5:30PM | Association Meetings (if scheduled) |

May 17, 1996

| | |
|---------------|---|
| 6:30AM—7:45AM | Breakfast — <i>Sultan's Feast</i> |
| 6:30AM—8:30AM | Registration — <i>Convention Headquarters</i> |
| 8:00AM—1:00PM | Educational Programs |

Spouse's Program

May 15, 1996

| | |
|---------------|---|
| 4:00PM—7:00PM | Registration — <i>Convention Headquarters</i> |
| 6:00PM—7:30PM | Welcome Session — "Herbs & Nutrition, How To Stay Young and Look Good" — <i>Diamond D</i> |

May 16, 1996

| | |
|----------------|---|
| 7:00AM—9:00AM | Breakfast — <i>Sultan's Feast</i> |
| 6:30AM—8:30AM | Registration — <i>Convention Headquarters</i> |
| 9:00AM—4:00PM | The Curator's Tour and Luncheon at <i>Wheaton Village or</i> |
| 12:00PM—2:00PM | Inspector of the Year Luncheon — <i>Grand Ballroom</i> |

May 17, 1996

| | |
|------------------|--|
| 7:00AM - 9:00AM | Breakfast — <i>Sultan's Feast</i> |
| 9:30AM - 11:30AM | Sparkling Insights into the World of Gems and Jewelry — <i>Ballroom B</i> |

Source: Susan H. McLaughlin
Supervisor, Education Unit

New Bulletins

By the time you receive this issue of the *Construction Code Communicator*, your newly converted copy of the *Uniform Construction Code* (UCC), published by West Publishing Company, should be on its way. This article's aim is to bring to your attention three new bulletins you will receive with the converted UCC.

Bulletin 94-7 on elevator devices plan review is, for some, a new bulletin. This bulletin was mailed out, but due to some confusion, some officials never received it. Bulletin 95-1, underground storage tanks, is a consolidation of the previously issued Bulletins 88-3, 88-8, 91-4, 92-2, and 93-1. Bulletin 95-2, ECHO units, is a new bulletin on Elder Cottage Housing Opportunity (ECHO) units. Bulletin 95-3, congregate dwellings, is a new bulletin on how to classify and accommodate unrelated groups of adults who occupy a house for a therapeutic purpose.

If these bulletins are not included in your new UCC or if you have any questions on the new book, please feel free to contact our Publications Unit at 609/530-8792.

Source: John N. Terry
Code Assistance Unit

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Train-the Trainer

Warren County Community College

40 hours — Two weekends
 4/26, 4/27, 4/28, 5/3, 5/4, 5/5
 Call coordinator to register
 Bob Casiano 908/689-7613

Using UCCARS

This year municipal construction offices throughout New Jersey will be evaluated by Insurance Services Office (ISO) Commercial Risk Services. The purpose of these evaluations is to rate each construction office based on its procedures and level of activity. These ratings will then be factored in to help determine each municipality's overall insurance rate structure for all its buildings.

When ISO visits your office, UCCARS reports should cut the amount of research time required to provide information on your office's activity levels. Some of the information ISO will be asking you for will be:

- Number of construction permits issued during the past 12 months
- Value of construction for these permits
- Number of permits by type (New, Addition, Alteration)
- Number of pre-manufactured units
- Residential single and multiple family dwellings
- Commercial structures

Much of this data is available directly from the summary page of your UCCARS Permit Fee Log report. Remember that this one-page report can be printed out for the entire year by

entering the start date and end date for the required 12-month period; and that you may optionally print only this single page report without having to print all the permit details for the period selected. Other data will be found in the UCCARS Monthly Activity report.

Yet another good source of data is the UCCARS Summary program which every office that uses UCCARS should have by now. It enables you to display summary statistical data about your permit, certificate, and inspection activities directly on your screen. If your office has not received a copy of Summary, call MIS for a program disk; there is no charge for this program.

Source: Stan Kosciuk
MIS

New Jersey Register Adoptions Spring 1996

| Date | Adoption |
|--------|--|
| 2/5/96 | 28 NJR 815(b) Licensing Adopted Amendments: N.J.A.C. 5:23-5.5, 5.21, and 5.22, adopted 12/15/95, effective 2/5/96. |

Source: E. Maria Roth
Code Specialist



Center for Government Services
P.O. Box 5079
New Brunswick, NJ 08903-5079

FIRST-CLASS MAIL

Construction Code Communicator



State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 8 Number 2

Summer 1996

Building Safety Conference — 1996

The Building Safety Conference held in Atlantic City at the Trump Taj Mahal on May 15, 16, and 17 was a tremendous success. The attendance this year was well over 800 participants. Continuing education seminars were offered and over 40 roundtable discussions took place at the Crackerbarrel.

The highlight of the conference was the Awards Luncheon. Those recognized were:

| | |
|---------------------------------------|------------------------------------|
| Building Inspector of the Year | Gerald Hartmann Rockaway |
| Plumbing Inspector of the Year | Alexander Tucciarone Old Bridge |
| Electrical Inspector of the Year | Raymond Holshue Mt. Laurel |
| Fire Protection Inspector of the Year | Richard Hogan Manalapan |
| Elevator Inspector of the Year | Ronald Concannon Old Bridge |
| Control Person of the Year | Kathleen Franzoi Vineland |

This was a year of "firsts". The first Control Person of the Year Award, commented upon in your opinion polls as being long overdue, was presented. The First Annual Golf Outing attracted only 49 participants, but the overwhelming response of this year's participants was positive, and many have indicated that they will play next year — a little recreation is always needed.

Your support and cooperation at this event is always appreciated. We look forward to next year's event scheduled for May 7-9, 1997 to be held again at the Taj Mahal.

Source: Susan H. McLaughlin
Supervisor, Education Unit

When Worlds Collide

There is an ongoing debate among physicists as to whether the universe will continue to expand forever or if, after some point, the universe will begin to contract, which would ultimately result in everything in the universe becoming the ball of mass that was there at the time of the big bang. In the code universe, we seem to have reached that critical point where it appears that all of the codes may be pulled into one document, a national building code.

Just like the physicist, the code community is having an ongoing debate. Ours is about whether a single model code is a
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good thing. Your judgment about a single model code probably depends on whether your perception is national or local. The benefits of a single model code are clearly more pronounced if you consider the national impact of a single model code.

Free trade and national public policy are two areas where a single model code becomes very attractive. Europe developed uniform standards for building materials to promote free trade between European countries. Marketing domestic building products, let alone foreign products, is difficult without a single, national building code. Recently, to initiate public policy objectives, several federal agencies have become involved in the model code change process. The Department of Energy, the Federal Emergency Management Agency, and the Department of Justice have all participated in changes to the model codes. A single national code would give these agencies a single forum in which to propose their changes.

However, because of this single forum, the model code then becomes the end-all-be-all. This lack of "freedom of choice" makes it even more critical that the model code change process works. It probably means that everyone who has something at stake in the model code should have a voice. The lack of choice and the somewhat limited scope of people who are involved in the process have made people who are more locally focused opposed to the concept of a single model code.

The effects of the reshaping of the model codes is already having an impact in New Jersey. The 1993 edition of *The BOCA National Mechanical Code* is the last edition that will be published. *The 1996 International Mechanical Code* is its replacement and, to my knowledge, is the only model mechanical code that is being published in a 1996 edition. *The 1996 National Standard Plumbing Code* is supposedly the last edition of that code that will be published. The plumbing code is unique in that there are two national model plumbing codes being promoted: *The International Plumbing Code* and *The Uniform Plumbing Code*. In any case, New Jersey may have to make a choice concerning its plumbing code in 1999. The three model code groups, the International Congress of Building Officials, the Southern Building Code Congress International, and the Building Officials and Code Administrators are working to create a single national building code, which will be completed perhaps as early as the year 2000. The next few years could see New Jersey adopting a new breed of model codes.

Another secondary effect of the changing model code is the introduction of legislation in New Jersey. There were two bills introduced earlier this year: one that would allow New Jersey to make technical modifications to the model codes it adopts; the other proposed to freeze the model codes at the editions in effect on July 1, 1995. These bills emerged from committee as a single

combined bill that would freeze the codes at the July 1, 1995 level, but would allow the Department of Community Affairs to make technical amendments to the codes to update them where necessary. These bills were presumably introduced because of lack of confidence in the model code change process. This lack of confidence does not bode well for a single national model code.

The Department is continuing its work on the necessary amendments to the 1996 editions of the codes to make them suitable for adoption. However, rather than adopting the codes by public notice the Department will not adopt the code until the amendments are complete (Fall 1996 at the earliest). This delay will allow the Department to track the legislation so that we don't cause undue confusion by adopting something that will later be repealed. We will try to keep you informed about this legislation through the newsletter or you can call the Code Assistance Unit at 609/530-8793.

Source: Michael Baier
Code Assistance Unit

Commissioner Jane M. Kenny, New Jersey Department of Community Affairs

Commissioner Kenny was born in Jersey City. She is a graduate of the Academy of St. Aloysius, Trinity College, and Rutgers University Graduate School.

Ms. Kenny was appointed Acting Commissioner of the New Jersey Department of Community Affairs by Governor Christine Todd Whitman on May 1, 1996. She has been confirmed by the Legislature as the 12th Commissioner of the Department of Community Affairs, which is slated to become the Department of Community and Urban Affairs later this year.



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: Carolyn Golojuch. Address changes, subscription requests, comments, and suggestions may be directed to the DCA Publications Unit, CN 802, Trenton, NJ 08625-0802.

Before being tapped to lead the DCA, Commissioner Kenny served as Governor Whitman's Chief of Policy and Planning. While in that position, she was instrumental in developing the Governor's Urban Strategy, promoted regional planning, and advocated an environmental plan that balances economic growth and the protection of natural resources. Ms. Kenny was also involved in efforts to enhance the State's Development and Redevelopment Plan, which encourages the investment of resources in urban communities. During her service in the Policy and Planning Office, Commissioner Kenny worked on other major Whitman Administration initiatives including: Work First New Jersey, Government That Works, the Economic Master Plan, and Prosperity New Jersey.

She previously served in the administration of Governor Thomas H. Kean as director of constituent relations, from 1983 to 1986, and as cabinet secretary, from 1986 to 1990. Before joining Governor Whitman's staff, Commissioner Kenny was a vice president of corporate and community affairs for Beneficial Management Corporation.

Ms. Kenny has been active in a number of civic organizations including the New Jersey Council for the Humanities, which she served as chair, the Community Foundation Neighborhood Leadership Initiative Committee, and the New Jersey Alliance for Action. She is a graduate of Leadership America.

Ms. Kenny is married to Gregory L. Myer. They have three children: Jessica, Elizabeth, and Gregory.

Non-listed Liquid-Tight Flexible Conduits

It has been brought to the attention of the Department that there has been an increase in the instances where some contractors have used or installed liquid-tight flexible electrical conduits that are not listed by qualifying testing laboratories.

These non-listed metallic or non-metallic electrical conduits may be referred to as "contractors grade" or a variety of other misleading trade names. These products, in most cases, are made from either light scrap metal or reground plastic and do not meet either the industry specifications or nationally recognized safety standards such as UL-360 or UL-1660. These non-listed electrical conduits may not provide the necessary electrical and mechanical protections required by the NEC and the listed standards mentioned above.

Installation and use of such non-listed electrical products and materials is a violation of the electrical subcode as outlined under N.J.A.C. 5:23-3.8A(d)2i which requires approval of electrical materials to be based on tests and listings by qualifying testing laboratories.

NJUECC provides remedies to prohibit and discourage the manufacturers and distributors from selling any product which is being advertised or promoted for a use that violates the Code. Electrical inspectors are advised to be on alert while inspecting such conduits. Eliminating the use of non-listed electrical products

during the inspection process acts as a deterrent to the manufacturers and distributors who deal in such products while ensuring the installation of code complying products.

Source: Ashok K. Mehta
Code Assistance Unit

Intermediate Handrails: When Are They Required?

There has been some confusion recently as to the specific code requirements regarding the need for intermediate handrails. The intent of this article is to clarify when these rails are required by Section 1014.7 of *The BOCA National Building Code/1993*.

The code language which requires these rails is very specific. The language is as follows:

"Intermediate handrails are required so that all portions of the required width are within 30 inches of a handrail."

Based on this code section, on a stair with a required width of 60 inches or less and a handrail on both sides of the stair, it is possible for someone to be within 30 inches of a handrail at all times. Therefore, an intermediate handrail is not required.

As another example, in a B-use building provided with a sprinkler system and an occupant load of 250 occupants, with a stair 10 feet wide with a handrail on each side of the stair, the required width of the stair based on Table 1009.2 is 50 inches. The required width is divided into 25 inches on one side of the stair and 25 inches on the other side of the stair. With this being the case, all portions of the required width are within 30 inches of the provided handrails. No intermediate handrail is required.

Source: John N. Terry
Code Assistance Unit

Security Grilles as an Egress Element

Security grilles are commonly used in covered mall buildings. They can be used in buildings of other use groups also. As they may pose a threat to prompt egress, their use in any required means of egress is limited and subject to certain conditions of the code. The code prescribes both the installation criteria of the grilles as well as how to use them. If improperly used, they can delay or obstruct egress significantly, thereby causing a life safety concern. Security grilles may slide horizontally or vertically.

When security grilles are used as an element of the means of egress in a building, *The BOCA National Building Code* requires compliance with the following:

- (1) During the periods of occupancy by the general public security grilles must remain fully open.

- (2) They may be brought to the closed or partially open positions when the maximum occupant load is 10 for spaces served by one exit or 50 for more than one exit.
- (3) When two or more exits are required for spaces, only one-half of the exits may be equipped with security grilles.
- (4) During the occupancy of the spaces, the grilles must be openable from inside without the use of tools, keys, or special knowledge or effort.

Please call the Code Assistance Unit at 609/530-8793 with any questions.

Source: Farid Ahmad, PE
Code Assistance Unit

Flexible Duct Insulation R-value of 4.2

There seems to be a budding controversy concerning the insulation that must be provided for flexible duct installed in attics. The question is whether flex duct with an R value of 4.2 meets the requirements of the mechanical subcode. Let's see.

The code requirements for duct insulation are found in section M-306.3. Because BOCA is a performance code, we have to perform some calculations. The required R value is equal to $(t_i - t_o)/15$, where t_i represents the temperature inside the duct and t_o is the temperature of the air outside the duct. The temperature difference will depend on whether the duct is being used for heating or cooling. In a majority of cases, the duct will be used for both. Heating will generally result in a greater temperature difference between the air inside and outside of the duct. So if the duct satisfies the heating criteria it should also satisfy the cooling criteria. Now we need some numbers.

A reasonable number for t_i for ducts used for heating would be 120°F. The temperature of the attic air is given in table M-306.3.2. For winter conditions, the table states that the attic air can be assumed to be 10°F above the outdoor design temperature. According to the weather data contained in ASHRAE, winter design temperatures based on the 97 1/2 percent column are 13°F or 14°F for most of the towns listed.

We now have all the information that we need to apply the formula. And the answer is: the R value equals $(120 - 24)/15 = 6.4$. Call it R-6 to meet the closest commercially available insulation. What do you do if you just approved a job using R-4.2? Rather than having contractors remove already installed flex duct, look for trade-offs. For example, if a contractor installed R-30 insulation in the attic instead of the code-required R-22, or installed R-13 in the walls instead of R-11, this is probably enough of a trade-off so the contractor does not have to replace the underinsulated ductwork.

There is something to be said for specification codes.

Source: Michael Baier
Code Assistance Unit

Who Gets the Penalty?

The Situation:

A homeowner storms into your office and begins to question what (if any) code requirements are applicable to the installation of a reroof, since his or her new roof is leaking after spending \$2,800. In between the "What do I pay taxes for?" and "I pay for your salary!", you ascertain that this homeowner had a third layer of roof covering installed by a contractor without a permit.

What You Know:

As a competent, well-versed construction official, you know that N.J.A.C. 5:23-2.31(b)4. requires that an immediate penalty be issued for failing to obtain a permit, occupying without a Certificate of Occupancy, failing to request required inspections, and making a false, misleading statement. You also know that the code specifically prohibits the installation of a third layer of roof covering.

What You Might Do:

You explain about the proper installation of reroofing materials. This further agitates this individual. But you keep on — you mention that the law requires the issuance of a Notice of Violation and Order to Pay Penalty and that, in accordance with 5:23-2.30(b)1, the homeowner bears joint responsibility for compliance. The icy stare begins to turn into something more menacing.

Another Approach:

Before the police are summoned, think about the following interpretation of 5:23-2.30(b)1.: The homeowner does, in fact, have joint responsibility to correct the code violation, if you are unsuccessful in getting the contractor to make the proper repairs; however, the homeowner is not issued the penalty. The Notice and Order to Pay Penalty is issued in the name of the contractor with the appropriate financial inducement (penalty) attached. The homeowner is given a copy because, as stated above, he or she may be required to ensure the correction of a serious violation.

This interpretation, if explained in a positive manner, should help resolve some uncomfortable situations.

Source: Louis J. Mraw
Bureau of Regulatory Affairs

Code Intent, Private Pool Enclosure

One of the more attractive fence types has received a bit of harsh treatment at some locations where, perhaps, a code section has been misinterpreted. The fence is the type called "board on board" or "shadow board", and the code sections involved are condition #2 both in CABO Appendix F-103.1 and BOCA Section 421.10.1. In these code sections we have the idea that a sphere of maximum 4" diameter cannot be passed through fence opening because the fence openings will be kept too small.

The board-on-board fence has rows of boards attached vertically to both the inside and outside face of the top and bottom mounting rails, with the boards alternating fence sides in a regularly staggered pattern. Walking along the fence, you'd notice that the beginning edge of the front board lines up exactly with the ending edge of the rear board when seen at a right angle.

The misinterpretation of code here was that the distance between boards on the same fence side was measured as the opening. The opening the code speaks of is truly open — in this case it's the space between the front and rear board which is, of course, also the thickness of the mounting rails. That is what must be less than 4".

Source: E. Maria Roth
Code Assistance Unit

Design Values for Wood Members

The Department has recently been made aware of a problem concerning the use of the span and design values for joists and rafters contained in Appendix B of the 1992 *CABO One and Two Family Dwelling Code* in lieu of the National Forest Products Association's (now American) Forest and Paper Association — (AF&PA) NDS-91, National Design Specification for Wood Construction — with 1991 Supplement: Design Values for Wood Construction which is referenced in Chapter 35 of *The BOCA National Building Code/1993*.

Since the AF&PA's NDS-91 reflects new research, using state-of-the-art technology, the use of Appendix B of the 1992 *CABO One and Two Family Dwelling Code* is inappropriate for houses built to BOCA. Although few homeowners or do-it-yourself woodworkers will even notice the subtle differences, architects, structural engineers, and construction officials must give attention to how specific information affects the way lumber is used and specified in structural framing systems.

To provide a better understanding of the concern, the following table compares the allowable spans for 2"×10" floor joists 16" o.c. with 40# live load, 10# dead load, and 360 deflection limit for HEM-FIR and Eastern Softwood.

| Species | Grade | Span per CABO-1992 | Span per AF&PA NDS-91 |
|--|-------|-----------------------|--------------------------|
| HEM-FIR (Western Lumber) | No. 2 | 15' - 8" | 15' - 2" |
| Eastern Softwood (Northeastern Lumber) | No. 2 | 14' - 3" | 12' - 5 1/2" |

Again, construction officials should check that designers are utilizing the new National Design Specification values and that the allowable design values are not exceeded.

Should you have any questions on this issue, please contact the Code Assistance Unit at 609/530-8793.

Source: John N. Terry
Code Assistance Unit

Municipal Fee Monitoring Program — Update

For several years, New Jersey municipalities have been reporting construction code revenues and expenditures to the Bureau of Regulatory Affairs as required under *N.J.A.C. 5:23-4.17*. Using these reports as a basis, the Bureau last April implemented its new Municipal Fee Monitoring Program.

The program enforces the requirement that income from UCC activities be used only for UCC-related expenses. After reviewing all financial data for 1991-94, the Bureau identified 20 municipalities as having a continually high surplus of funds. It then began working with these towns to either lower fees or increase expenditures through the hiring of additional staff, upgrading equipment, or other measures.

The difficulties were quickly addressed in 13 of the 20 towns. Local officials either developed plans to reduce the surplus or provided additional data which identified unique situations such as a large, single project as the reason for significant increases in fee income. The remaining seven municipalities were formally visited to ensure an understanding of the regulations and to emphasize the Bureau's commitment to enforcing these important rules.

The Bureau was forced to take extreme action in only one of the original 20 high-surplus towns. The action was to prohibit the town from charging any fees until the amount of the three-year surplus was reached. Subsequently, the municipality agreed to dedicate all UCC fees through a rider trust fund.

This year, the Bureau has identified 29 municipalities which are reporting a large surplus of funds. Of the 29, 18 will be placed on a watch list where they will be periodically monitored. Eleven appear to require immediate action and either have or will be visited during the summer.

The program is designed to evaluate a municipality's revenue and expenditure ratios over a three to five year period. Using this longer time frame, unusual one-time situations will not have a significant impact on our determinations. The ultimate goal is to ensure that municipal enforcing agencies are adequately staffed and maintained to meet the demands of local construction activity. For further information, please contact me at 609/530-8838.

Source: Henry Riccobene
Bureau of Regulatory Affairs

15th Annual Building Safety Conference



Building Inspector of the Year

Gerald Hartmann (*left*), Building Inspector of the Year, with Victor Dai (*right*), President of the Building Officials Association of New Jersey.



Plumbing Inspector of the Year

Jerome Shaw (*left*), President of the New Jersey State Plumbing Inspectors Association, with Alexander Tucciarone (*right*), Plumbing Inspector of the Year.



Electrical Inspector of the Year

Raymond Holshue (*left*), Electrical Inspector of the Year, with Victor V. Timpanaro (*right*), President of the Municipal Electrical Inspectors' Association.

1996 Awards —The “Best of the Best”

Fire Protection Inspector of the Year

Gary Lewis (*left*), President of the New Jersey Fire Prevention and Protection Association, with Richard Hogan (*right*), Fire Protection Inspector of the Year.



Elevator Inspector of the Year

Ronald Concannon (*left*), Elevator Inspector of the Year, with James Castle (*right*), President of the Municipal Elevator Inspectors Association.

Control Person of the Year

Kathleen Franzoi (*center*), Control Person of the Year, with William Connolly (*left*) and Susan McLaughlin (*right*), Department of Community Affairs.



Required Inspections — What Are They?

The UCC mandates certain inspections be approved before construction can continue. *N.J.A.C. 5:23-2.18* Inspections (b) states, "The construction official and appropriate subcode officials shall carry out such periodic inspections during the progress of work as are necessary to ensure that work installed conforms to the approved plans and the requirements of the regulations." *N.J.A.C. 5:23-2.18(b)1.i* of the regulations continue to say that construction of a one and two family dwelling, which must cease until inspection is made, shall be limited to four inspections:

1. Bottom of footing trenches before the placement of footings, etc.
2. Foundation and all walls up to grade level prior to backfilling.
3. All structural framing and connections prior to covering with finish or in-fill material, plumbing underground services, rough piping, water service, sewer, septic services and storm drains, electrical rough wiring, panels and service installations, insulation installation.
4. Installation of all finished materials, sealing of exterior joints; plumbing piping, trim and fixtures; electrical wiring, devices and fixtures; mechanical systems equipment.

A final inspection is also required at the completion of the building or structure and before the issuance of a Certificate of Use and Occupancy.

N.J.A.C. 5:23-2.18(b)1.ii continues, in construction, other than one and two family dwellings, the following inspections are added: fire suppression systems, heat producing devices and any inspection required by any subcode of the regulations.

N.J.A.C. 5:23-2.18(b)1.iii discusses additional inspections. The regulations permit a municipality to require additional inspections beyond the above four inspections, but the inspections shall be of the type and nature that construction may continue without interruption.

At this point you're yawning. There is a purpose to this article. Does your municipality require a sheathing, or open deck inspection? If the applicant schedules these inspections, does the three business days requirement apply? Is the applicant compelled to wait until you inspect before he starts installing the siding or shingles? The answer is no. We view sheathing or an open deck as an additional inspection, not a required inspection. With that in mind, the applicant has the responsibility to call for the inspection; however, he is not required to wait until you get there before he starts work. It is your responsibility to get to the job and inspect the work while it is being performed.

If you have any questions, I may be reached at the Bureau of Regulatory Affairs at 609/530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs

FRT Update

For those of you who had hoped to hear the last of the FRT debate, think again! Three letters were sent to construction officials from February 1989 through March 1992 from Assistant Director Charles Decker. The purpose of this article is to update you on the status of these letters.

The first correspondence of 2/89 was intended to inform you of the problems associated with FRT plywood. By now, you are all aware of what has transpired in this regard. The second letter of 8/89 described an alternative design to the installation of FRT plywood, which is consistent with the text now in *The BOCA National Building Code*. The third of these letters, issued 3/92, discussed the Department's opinion on a number of other FRT alternatives. This is the letter which has caused some confusion in the recent past.

The purpose of this last letter was to provide guidance in the interim period until a solution was developed and understood by all. This interim period has expired. Code Officials should no longer be utilizing the "March '92 Decker letter" as a basis for approval of designs as they relate to FRT Plywood installation.

The existing *BOCA National Building Code* is specific as to how these products are to be installed as well as acceptable alternatives. This article does not preclude you from utilizing *N.J.A.C. 5:23-2.9*, Variations and exceptions. The use of this regulation requires that proper documentation be submitted to you outlining the practical difficulty of strict compliance with the specific subcode as well as verification that health, safety, and welfare of the occupants are not jeopardized by the use of this alternative method or product. This variation application and approval becomes part of the record for the project.

Source: John N. Terry
Code Assistance Unit

Could We Use the Attic? Garage? Basement? Porch?

In an effort to provide information to code users (such as homeowners) who are not familiar with code requirements, the following is the first of what we intend will be a series of articles that can be reprinted and distributed to the general public.

In a single family home, changes can often be made internally to relieve crowding and to more fully enjoy spaces you already own. If it amounts to a lot more than a little decorating, and especially if you change anything structural and run some additional wiring or piping, you have to "get formal." I mean

you have to follow the building codes. By the way, making the house horizontally larger or raising the roof line usually triggers code requirements for things beyond those you had in mind. This is to catch up to current requirements for health, safety, and welfare. And, again, by the way, putting dormers into the roof without raising the existing ridge line is not an increase in building height.

We're not going to talk about increases in size or height here, only about alterations and the even more modest projects called minor work. The code also contains an actual list of items that don't need a permit. These are called "ordinary repairs."

You are feeling very architectural. When conceptualizing these delightful interior expansion plans you actually get to be your very own architect and contractor if you are the exclusive owner/occupant. Employing an architect is of course an option. If you do that, you don't have to be your own contractor.

Now let's say you plan to create a little privacy for your teen by preparing an attic bedroom where there was only storage. In the usual wood structure it's always permitted over a first story. But if you already have two stories, then such a habitable attic has to be small enough or it's interpreted as a third story. That's not permitted in such combustible structures unless you sprinkler the whole house. Small enough? That's when walls at least 7'4" tall in that new room outline a floor area no more than 1/3 of the floor directly below. The shorter space under the sloped ceilings doesn't count.

Two special features needed in this bedroom and all space newly converted into bedrooms are emergency escape windows of a minimum size and proportion to let occupants climb out and/or firefighters in, and two hardwired interconnected smoke alarms: one inside, the other just outside this renovated space.

Sometimes insulation becomes an issue. Spaces not heated or cooled before must have it when they're made habitable, in order to conserve energy.

We mentioned earlier that sometimes one thing leads to another when doing alterations; namely, you have to upgrade things you weren't intending to. Aside from building enlargements this also occurs when alterations are truly radical in terms of your budget and type of house.

When the going gets tough under all those requirements (your house looks perfectly fine to you), the construction office can sometimes grant you a variation if the officials in charge don't consider your request unsafe.

Want to read the regulatory nitty gritty about all this yourself? It's in the N.J. Uniform Construction Code, *N.J.A.C. 5:23-2* (that means it's the second subchapter). Anyone with questions about a specific project should contact the local construction official.

Source: E. Maria Roth
Code Assistance Unit

Prototype Projects

Effective January 1, 1995, municipalities choosing to utilize the services of private on-site inspection and plan review agencies are required to select the agency by competitive bidding and are required to award the contract to the lowest bidder that offers to charge the lowest percentage of the Departmental fees. As a result of this competitive bidding requirement, many municipalities have not been able to retain the services of their former agency. The new inspection agency steps in with a new fee schedule and the former agency steps out leaving many open permits and prototype projects in the pipe line. There seems to be some confusion as to who is responsible for what, especially regarding prototype projects.

An open permit means a construction permit that was issued to start work on a certain project but has not yet closed either because the project is not complete or the construction work has not yet started. Each open permit needs to be closed after the work done pursuant to a permit is inspected and approved and a certificate of occupancy or a certificate of approval depending on the permit is issued. The designs that will be repeatedly used at different locations may be designated as "prototype or master plans" and may be filed for approval before the construction official in compliance with the provisions of *N.J.A.C. 5:23-2.15* (3) i (4). For example, a builder is planning to construct 300 new single family homes in a development with 5 different models. Each model needs a separate application for a construction permit. With the initial application for a construction permit, one additional complete set of repeated portions of the project, with as many variations as can be shown on the plans, may be submitted along with a request for prototype or master plan filing. At the time of initial application for a construction permit for each of the 5 models, there was a private on-site inspection and plan review agency acting as a subcode official for building and electrical subcodes in the town. After the builder has obtained 50 permits for the construction of 50 homes, the town selected a different private on-site inspection and plan review agency and did not renew the contract with the former agency. There are 250 more homes to be constructed and approximately 20 homes are still under construction. Now the following question arises: Who is responsible for what, and who is entitled to receive what fees.

N.J.A.C. 5:23-4.14(e)15 provides that each on-site inspection agency shall be responsible to carry out to full completion and receive all fees on all projects initiated prior to the termination of their contract with the municipality by reason of non-renewal, unsuccessful bidding, Department authorization disapproval, or other reasons except suspension or revocation. The determining factor is "initiation of the project." The project is deemed to be initiated when a construction permit is issued after an application for a permit is made in compliance with the provisions of *N.J.A.C. 5:23-2.15*.

Pursuant to *N.J.A.C. 5:23-4.14(e)15*, the former agency will be responsible for all inspections and to complete the open permits (20 homes in above example) and to receive all fees in compliance with their contract with the town. As you are aware, on prototype projects each site needs a separate permit before construction on a house can be started.

The new inspection and plan review agency is responsible for the remaining 250 homes, because the construction permits are yet to be issued and will be entitled to their contracted percentage of departmental fees less plan review fees as the plan review was done by the former agency. If the new agency wishes to review the plans again for their protection, they are free to do so but cannot charge any fees for that.

I hope you find this article helpful in allocating responsibilities and fees among various inspection and plan review agencies in this continuously changing competitive business environment. If you have any further questions, please contact the Bureau of Regulatory Affairs at 609/530-8838.

Source: Urmil Deora
Bureau of Regulatory Affairs

Construction Code Communicator Article Clarification

In the *Construction Code Communicator* Spring 1996 issue, page 8, fourth paragraph ("Documenting Elevator Documents"), it should read "Local Enforcing Agencies (LEA's) cannot withhold issuance of Temporary Certificates of Compliance (TCC) because of non-payment for inspections. However, a Notice of Violation/Order to Pay Penalty can be executed to force payment, then a Certificate of Compliance will be issued at the time of payment."

Please note that if there are outstanding violations in addition to the non-payment problem, the TCC is issued for a duration of time based on the most serious violation with ALL outstanding items to be addressed by the time the TCC expires.

If you require further clarification, contact Phil van Leeuwen at 609/530-8833.

Source: Phil Van Leeuwen
Elevator Safety Unit

Consumer Products Safety Commission Recommendation

The Department has received a request from the Consumer Products Safety Commission to share information on the importance of enforcing the requirements for grates in swimming and wading pools. Although it is not the responsibility of the construction official to require or enforce the maintenance of swimming pools, it is our responsibility as citizens to be sure that information

provided to us is available to the local health departments, which have the responsibility and authority to enforce swimming pool maintenance requirements. Grates need to meet the requirements of the American National Standards Institute/National Spa and Pool Institute (ANSI/NSPI-1, 1991) standard and must be in good repair in order to protect the public. The injuries that can result from broken or cracked grates can be devastating. Therefore, we are asking you to inform your local health department that further information is available from Jacquie Elder at the Consumer Products Safety Commission at 301/504-0554.

Source: Code Development and Code Assistance Section

Architects and Engineers — Design Responsibilities

The Department has recently been asked to help distribute a chart published by the Board of Architects and the Board of Engineers that delineates their areas of design responsibilities. We are preparing a mailing — in fact, by the time you receive this *Communicator*, most of you will have already received the chart. Watch for it — you may find it helpful!

Source: Code Development and Code Assistance Section

New Jersey Register Adoptions Summer 1996

| Date | Adoption |
|---------|---|
| 3/18/96 | 28 NJR 1505(a) Barrier Free Subcode; Recreation, Adopted Amendments: <i>N.J.A.C. 5:23-7.2</i> through 7.7, 7.13, and 7.15 through 7.18, adopted 2/15/96, effective 3/18/96, operative 7/1/96. |
| 4/15/96 | 28 NJR 1981(a) Definitions Adopted Amendment: <i>N.J.A.C. 5:23-1.4</i> , adopted 3/18/96, effective 4/15/96. |
| | 28 NJR 1981(b) Notice of Administrative Corrections, State of New Jersey Training Fees; Asbestos Hazard Abatement in Occupied Buildings: <i>N.J.A.C. 5:23-4.19</i> and 8.19. |
| 5/20/96 | 28 NJR 2586(a) Construction Board of Appeals Adopted Amendments: <i>N.J.A.C. 5:23-1.4</i> , 2.9, 2.32, and 4.3. Adopted New Rules <i>N.J.A.C. 5:23A</i> . Adopted Repeals <i>N.J.A.C. 5:23-2.34</i> , 2.35, 2.36, 2.37, and 4.40, adopted 4/19/96, effective 5/20/96, operative 1/1/97. |

Source: E. Maria Roth
Code Specialist

Accessibility

The Department of Community Affairs has received a request from the Architectural and Transportation Barriers Compliance Board (Access Board) in Washington, D.C., to provide information to code officials on the Americans with Disabilities Act (ADA). As you all know, the ADA is a civil rights law that is enforced by civil lawsuit or complaint; code officials do not enforce the ADA. Division Director William Connolly is sending a reminder to all construction officials regarding the enforcement authority for the ADA and providing telephone numbers for design professionals or building owners who have questions about this federal law. Questions about enforcement of the ADA should be directed to the United States Department of Justice at 202/514-0301; requests for ADA technical assistance should be directed to the Access Board at 800/872-2253. Projects that require a permit under New Jersey law will, of course, comply with the Barrier Free Subcode.

Source: Emily Templeton
Code Development

Good Luck, Ken Horton

About the time you get this *Construction Code Communicator*, Ken Horton, Bureau Chief of the Bureau of Regulatory Affairs, will be retiring. His final work day is June 28. Good luck, Ken, and thank you for all your hard work!

Source: Code Development and Assistance Section

Best Wishes, Maria!

Maria Roth, Code Specialist with the Code Assistance Unit, retired on June 1, 1996. We would like to take this opportunity to thank her for her diligence and to wish her well.

Source: Code Development and Assistance Section

Construction Code Communicator



State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Jane M. Kenny, Commissioner

Volume 8 Number 3

Fall 1996

Ten Things Every Construction Official Should Know About New Home Warranties

1. When a builder's registration expires, the builder is not put on the suspended or revoked list. Consequently, you must check a builder's registration card in addition to the revoked and suspended lists to be sure that the builder is in a position to pull permits and apply for certificates of occupancy.
2. Once every five years a property owner may build a house for his or her own use and occupancy. This does not mean that a builder can sell a house every five years without a warranty. Only the property owner can sign the Certification in Lieu of Oath.
3. The builder who transfers title is the builder who should provide the warranty. The implication is that the builder who is transferring title is the builder who should pull the permits.
4. Builders who use modular homes must provide a new home warranty. The factory warranty does not qualify as a new home warranty. Owners of lots (with intent to occupy) who contract with the factory directly do not receive a new home warranty (see #5).
5. An owner who will occupy the unit and who is responsible under a separate agreement for any of the basic systems or the structure is acting as his own general contractor and may not receive a warranty.
6. Warranty forms are not valid unless they have been stamped with a warranty number and date or have been otherwise endorsed as indicated on the form. Each of the approved warranty plans has a distinct form or forms indicating a valid enrollment. If the form says "not valid unless signed," be sure there is a signature. The State New Home Warranty Program's Certificate of Participation must be stamped with a number and date in the lower right hand corner.
7. Warranties are not applicable to renovations, which include the construction of an otherwise new home on an existing foundation or part of an existing foundation.
8. A builder may not build under someone else's registration.
9. If there will not be a warranty, your file should include either 1) the certification in lieu of oath of an owner building for his or her own use and occupancy, 2) an affidavit by the owner of the lot that the home was constructed for lease purposes only, 3) a letter from the New Home Warranty Program granting an exception, 4) a notation on the permits that the new home

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incorporates portions of an existing foundation or other structural element, or 5) the home was built to HUD requirements rather than the UCC.

10. If you have questions, please contact the New Home Warranty Program at 609/530-6183. We do appreciate the calls.

Source: Peter Desch
Bureau Chief, Bureau of Homeowner Protection

Applicability of Permits for Asbestos Removals in Non-Subchapter 8 Buildings

In buildings that are not regulated by Subchapter 8 of the Uniform Construction Code (UCC), the Construction Official's responsibilities are different from his or her responsibilities for Subchapter 8 buildings. Bulletin 93-5 makes it clear that before any work, be it renovation or demolition, can be done in a building, the owner must certify that all friable asbestos that would be disturbed during work has been abated.

After reading Bulletin 93-5, you are aware that asbestos abatement work that is outside the scope of Subchapter 8 does not require the issuance of a permit by the Construction Official. For non-Subchapter 8 buildings, the asbestos abatement is a pre-approval condition that requires the owner to state in writing that all Federal regulations were met and that the asbestos was handled properly when it was abated. The Federal regulations that apply are NESHAP (National Emission Standard for Hazardous Air Pollutants) which are printed in the Federal code at 40 CFR, Chapter 1, part 61, subchapter M. Also, for all interior asbestos abatements, the owner must use an asbestos abatement contractor licensed by the New Jersey Department of Labor and must have the waste disposed of properly according to New Jersey Department of Environmental Protection regulations.

Source: Pat Ryan
Asbestos Unit, Bureau of Code Services

Change in Asbestos Variation Applications under Subchapter 8 (Occupied Buildings)

Since June of 1993, local construction officials have issued all the technical variations for asbestos projects that fell under the jurisdiction of Subchapter 8 in their towns. This procedure has been changed. You may have received (or will receive shortly) a letter from the Asbestos Unit with more details, but this article will serve as a brief explanation of the change in policy.

The change affects buildings that fall under the scope of Subchapter 8 and where asbestos is abated in accordance with the occupied buildings section of Subchapter 8 (*N.J.A.C. 5:23-8.19* and other related sections). The Asbestos Unit will review and

issue all technical variations for occupied buildings. Before Subchapter 8 was amended, the Asbestos Unit used to issue variations to allow abatement in an occupied building. Now that Subchapter 8 has a section on asbestos abatement in occupied buildings, a variation is required when the standards in that section (*N.J.A.C. 5:23-8.19*) cannot fully be met. The Asbestos Unit will review and respond to (i.e., approve or deny) each request for a variation from the rules that govern asbestos abatement in an occupied building. All Asbestos Safety Control Monitors have been informed of this change. If you have any questions or require additional information, please contact the Asbestos Unit at 609/530-8812.

Source: Pat Ryan
Asbestos Unit, Bureau of Code Services

Eat at Joe's

I remember going to eat at "Fat Johnnie's Pizza Palace" one time. The reason I remember it is not because of the food. Fat Johnnie's is a small place, so small that you can't fit more than, say, 15 fat Johnnies in it. There I was eating a slice when another patron of Fat Johnnie's walked out of the kitchen, with a three foot length of toilet paper in tow (we've all been there). You see, the only bathroom in Fat Johnnie's is in back of the kitchen.

So, what does this have to do with you? Well, besides the fact that you might not want to eat at Fat Johnnie's, the little blurb above highlights a health regulation that you should be aware of. Often small pizza parlors open in strip malls. Space is at a premium and, generally, separate restroom facilities for patrons and employees are not provided. The State Sanitary Code does not allow patrons to go through a food preparation area to access the bathrooms. So, when you get a set of plans and the bathroom is in the back behind the kitchen, remember that's a no no. Do it for Fat Johnnie. Business has been kind of slow.

Though all the events and characters above are fictional, the name of the restaurant was inspired by a member of our staff.

Source: Mike Baier
Code Assistance Unit

UCCARS Technical Assistance Contract

The Department is in the process of negotiating a new contract with MIS, Inc. for training and telephone technical assistance. Under this contract *telephone* technical assistance is provided to all municipalities using UCCARS at no cost to the municipality. The contract will also provide for System I and System II training programs. If you are interested in training, please call the UCC Training and Education Unit at 609/530-8797 for further information.

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: Carolyn Golojuch. Address changes, subscription requests, comments, and suggestions may be directed to the **DCA Publications Unit, CN 802, Trenton, NJ 08625-0802.**

Multi-Family Residential: To Be or Not To Be Accessible

The number of questions about accessibility requirements for multi-family residential dwellings has increased recently. This article seeks to provide a short explanation about which buildings — and which units in which buildings — must be accessible. To be or not to be is, indeed, the question.

Multi-Family Dwellings

Not to Be (Exempt from Accessibility Requirements)

- (1) Buildings with three or fewer dwelling units. When counting the number of dwelling units in a building, fire walls do not constitute separate buildings, so it may be helpful to think of this as "three or fewer dwelling units in a separate structure."
- (2) Multi-story dwelling units. Remember, a multi-story dwelling unit has more than one story of living space within the individual dwelling unit.

To Be (Required to Include Accessible Units)

When determining whether multiple R-4's, multiple R-3's, or R-2's must include accessible dwelling units, first count the number of dwelling units in the structure. Are there four or more units in the structure? If yes, then accessibility is required. (N.J.A.C. 5:23-7.1(b)1)

Which Units

Is there an elevator in the building? If yes, then all the dwelling units must be accessible. If no, then the ground floor dwelling units must be accessible. (N.J.A.C. 5:23-7.1(b)8)

Vertical Access (Elevators)

To Be (Required)

- (1) Buildings of three stories with five or more dwelling units on a floor (remember, when counting the number of dwelling units, fire walls do not constitute separate buildings!) must have an elevator to provide vertical access.
- (2) Buildings of four stories or more must have an elevator to provide vertical access.

Not To Be (Exempt from Elevator Requirement)

- (1) Buildings less than three stories.
- (2) Buildings less than four stories with four or fewer dwelling units per floor.
- (3) Floors less than 3,000 square feet.

All units required to be accessible must have an accessible route into the dwelling unit; this includes the parking space, a curb cut, and a path of travel to (and including) the accessible entrance. Inside, there must be clear floor space in the kitchen and bathroom that complies with CABO/ANSI A117.1, Section 4.33 (accessible/adaptable dwelling units), maneuvering space must be provided at doorways, and doors themselves must meet the clear width requirements. Kitchen cabinets, along with the grab bars in the bathroom, are considered adaptable features. This means that although the grab bars do not have to be installed, the walls must

be reinforced, so that the later installation of grab bars is possible. It also means that the kitchen cabinets and counter do not have to be adjustable, but the floor must be finished all the way to the wall to allow the base cabinets to be removed by the resident.

I hope this helps to clarify which multi-family residences need to be and which need not be accessible. If you have questions, please call me or John Terry at 609/530-8793.

Source: Emily Templeton
Code Development

Barrier Free Recreation: Outreach

New Jersey has had requirements for accessible outdoor recreation facilities since 1988. The rules have recently been revised to make clearer how to make playground equipment accessible and what makes a trail in a park accessible. In addition to these clarifications, the Barrier Free Recreation standards provide that sport facilities, swimming pools, boat launch facilities, fishing piers, trails, golf courses, equestrian facilities, court games, ski lifts, skating rinks, and camping facilities be accessible.

The Barrier Free Recreation rules are unique in that their requirements are enforced by the facility manager and not by local code officials. (The only exceptions to this are the swimming pool requirements and the issuing of permits that may be required for large, multi-functional playground equipment.) Complaints are first directed to the facility manager and, if unresolved, are then investigated by this Department.

Because questions about the accessibility of parks and other recreation sites are increasing, we are developing an outreach/educational program on accessible recreation. We plan to begin with the County Offices for the Disabled, but also plan to contact parent/teacher organizations, the landscape architects professional association, the public works professional association, and local recreation and parks departments.

For additional information regarding the Barrier Free Recreation, please contact Gail Weikel at 609/530-8788.

Source: Gail R. Weikel
Code Development and Assistance

Provisional Licenses

It has come to our attention that there is confusion regarding provisional licenses. Provisional licenses can be granted once only, and they are granted only for administrative licenses. Furthermore, provisional licenses are granted only to allow a licensee to complete the appropriate approved course, not to fulfill the experience requirements for licensure. Finally, these licenses are issued only for a period of two years, and it is the applicant's responsibility to send to the Licensing Unit proof of completion of the approved course, so that the provisional status may be removed from the license.

Source: John A. Delesandro
License Examiner, Bureau Of Code Services

Fire Sprinkler System Supply Lines

For the past few years, I have received a number of complaints from fire subcode officials, fire sprinkler designers, and contractors who say that certain water companies are requiring a dedicated fire service line and are not allowing a limited area fire sprinkler or combination system fire sprinkler and domestic water connected to a common service line.

The Department of Community Affairs (DCA) has reviewed the matter and has determined that this requirement by a water company violates the Uniform Construction Code (UCC) because it is more restrictive. As a result, the DCA issued a cease and desist order to one water company. The Board of Public Utilities supports this position. The problem is that this has apparently not resolved the issue; I continue to get inquiries about this dedicated fire sprinkler supply line issue.

The purpose of this article is to inform you that we in DCA are continuing our efforts to completely resolve the issue. If you encounter this situation, I would appreciate your providing me with the specifics. I can be reached at 609/530-8838.

Source: Gerald E. Grayce
Bureau of Regulatory Affairs

Proper Disposal of Construction Material and Debris

Over the past few years, there has been increasing concern about the reuse of construction debris from a demolition project as "fill" on the site of origin. The Department of Community Affairs (DCA) requested and received guidance on this issue from the Department of Environmental Protection (DEP). The purpose of this article is to provide you with DEP's position on this issue.

Concrete, brick, and block are classified as Class B recyclables and are regulated by the DEP, Division of Solid and Hazardous Waste, Recycling Regulations (*N.J.A.C. 7:26A*). People who generate Class B recyclables have two options of disposal. The first is to transport the material to a recycling center; the second is to reuse the material on-site as clean fill.

The recycling or reuse of these materials that are generated, processed, and re-used on-site are exempted from the approval requirements of the DEP (*N.J.A.C. 7:26A-1.4(a)2*). To qualify for this exemption, the DEP, the host county, and the host municipality must be provided with written notification of the activity as per *N.J.A.C. 7:26A 1.4(b)5*. Notification to the DEP should be sent to: State of New Jersey, Department of Environmental Protection, Division of Solid and Hazardous Waste, CN 414, Trenton, New Jersey 08625-0414 (Fax No. 609/984-6874).

To be considered for an exemption, all of the following conditions must be met:

1. The material being used for clean fill is generated at the site. Materials may not be imported from other locations.
2. The material is not contaminated from exposure to chemicals from industrial processes or exposure to other contaminants.

3. The clean fill is not mixed with other materials such as wood, glass, plastic, etc.
4. The material is processed to reduce its size so as to minimize voids in the fill.

What effect do these requirements and exemptions have in the "real world"? An example may help: A homeowner wants to demolish his swimming pool and reuse the debris as fill in its place. He comes to your office to find out what he needs to do. You tell him he must get a demolition permit. He must also provide you with a site plan (not signed and sealed, just a sketch on an existing plot plan that shows where he is going to fill, which is — most likely — the site of the pool). He must provide evidence that he notified DEP at the above address as well as evidence that he notified the County (usually the Recycling or Solid Waste Coordinator); and he must notify the municipality (the Construction Office). Now work may start. Any debris that is not concrete, brick, or block must be removed from the demolition debris. This includes any rebar, vinyl (from the liner), or wood from the debris. The concrete, block, or brick must be broken up to the point where it will minimize voids in the fill. Although this size is interpretative, a good rule of thumb is 8 inches in diameter.

Should you have any questions regarding the DEP requirements or exemptions, please contact the Bureau of Landfill, Compost and Recycling Management at 609/984-6664.

Source: John N. Terry
Code Assistance Unit

Commercial Farm Buildings — Another Article

Over the past few years, several articles discussing commercial farm buildings have been written by various staff members. The Bureau of Regulatory Affairs still gets complaints regarding the classification of buildings and fees charged for these structures. Thus, another article.

New Jersey is one of the few states that regulate commercial farm buildings. Recognizing the need for some regulations, the Legislature addressed the subject through NJS 52:27D-123.2, 123.3 and 123.4. As a result, *N.J.A.C. 5:23-3.2(d)* was adopted in 1981 and has been revised several times since. Section 3.2(d) defines commercial farm buildings and addresses the specific code requirements for this type of structure. The rules should be clear by now, but there is still apparently some confusion as to what a commercial farm building is and how it should be treated.

1. A building must be located on a farm which produces not less than \$2,500.00 worth of agricultural or horticultural products annually. Its main use or intended use must be related to the production of agricultural or horticultural products produced on that farm.
2. The buildings must comply with the provisions of S-2 Use Group. The use group, however, is not restricted to S-2 uses. Since not all S-2 buildings are commercial farm buildings, the regulations cite examples of the types of uses permitted to be

classified as commercial farm buildings. Various modifications to specific code requirements are then permitted for these structures.

3. Fees — The Bureau has received complaints regarding the amount of permit fees charged by certain local enforcing agencies. For new construction, *N.J.A.C. 5:23-4.20(c)2.i(1)* (Department fees) references a specific cubic footage fee for commercial farm buildings which is substantially lower than other volume computations. While standards for municipal fees (*N.J.A.C. 5:23-4.18*) does not reference a specific fee for commercial farm buildings, it certainly seems appropriate for you, as Construction Official, to include a special commercial farm building fee in your ordinance.

Should you have any questions, I may be reached at 609/530-8838.

Source: Gerald Grayce
Bureau of Regulatory Affairs

Three-Compartment Sinks

Let Me Count the Ways

How many ways are there to install a three-compartment sink? Well, let's see: There are three bays. Each bay can be plumbed either directly or indirectly, and can either be run — or not run — through the grease trap. If my mathematics are correct, that gives 27 ways of connecting the grease trap. The question is: How many of these 27 ways are code conforming?

Direct Conflict

Which bays have to be connected indirectly? Does the State Sanitary Code address this issue? The answers are none and no. The National Standard Plumbing Code (NSPC) clearly allows dishwashing sinks to be connected with a direct connection (at NSPC section 9.1.2 c.). Although the State Sanitary Code does require certain kinds of equipment in the kitchen to be connected indirectly, the three-compartment sink used for washing dishes is not one of them. The Sanitary Code requires an indirect connection for equipment that is enclosed, such as an ice making machine, a refrigerator, or a steam kettle. This type of equipment presents a special concern because, if it is directly connected, sewage can back up into it undetected. Additionally, both codes require that culinary sinks be connected indirectly. In some cases, especially for small restaurants, there may be only one sink. If the operation involves soaking food, the sink must be considered both a culinary sink and a dishwashing sink. Therefore, the sink must be connected indirectly.

Grease Is the Word

Now that we know all of the bays may be connected directly, we have to decide which of the bays must be discharged through the grease trap. Again, there is some overlap with the health inspector. According to the NSPC (section 6.1.2 b.), only wastes that need to be treated are allowed to go through the interceptor. This definitely eliminates the sanitize bay and it probably also eliminates the rinse bay. Therefore, the only bay that needs to go

through the grease trap is the wash bay. Invariably, then the question becomes: which bay is the wash bay? Does the dishwasher work from left to right or from right to left? The simple solution from the construction code perspective is to label the bays. The ongoing use of the fixture is not an issue for the plumbing inspector, but rather falls under the domain of the health inspector.

Source: Michael Baier
Code Assistance Unit

Construction Board of Appeals — New and Improved

Following a rule proposal, a public hearing and a subsequent rule proposal, amended regulations governing construction boards of appeal have now been adopted. The amended regulations have an operative date of January 1, 1997. I will briefly touch on those amendments which should be of interest to the code enforcement community.

The amended regulations were designed to establish greater consistency between Uniform Construction Code appeals and Uniform Fire Code appeals. Thus, the statutory requirement of a 15 day appeal period for fire code appeals has now been made applicable to construction code appeals. Under the revised regulations, the boards will no longer have the authority to consider construction code appeals which have been filed out of time.

An issue of long concern has been the frequency with which some boards have scheduled meetings. Since the Uniform Construction Code Act requires the board to hear cases within 10 business days following submission of an appeal, the rules now require boards to meet as often as necessary to meet the statutory requirement, but in no case less than once a month. Provisions have been made in the regulations for 48 hours advance notice to board members when meetings are canceled for lack of business.

The granting of adjournments of hearings has also been addressed by the amended regulations. The State Uniform Construction Code Act requires the applicant's consent for any extension of the 10 day time period which the board has to consider the appeal and issue a decision. This statutory requirement was subject to abuse by some applicants who were willing to extend the time for decision in order to maintain the status quo. The amended regulations recognize the need for prompt resolution of matters involving life safety in occupied buildings. Thus, in those appeals, any adjournment of the matter now requires the consent of the enforcing agency.

There has been a new qualification category added to the board of appeals membership. Now at least one member of the board has to be certified as a fire official. A member qualified in another category, if he or she holds the fire official certification, is permitted to fulfill this requirement. Also, the amended rules require there be at least five alternate members. These alternate members are to be chosen to ensure there will be at least one alternate member in each qualification category. Provisions have also been made for alternates qualified in the elevator subcode who

will be able to participate in elevator subcode appeals in the absence of a regular board of appeals member.

The procedures for board decisions have been clarified. The board must now specify in its decision the reasons for any disagreement it may have with the actions of the enforcing agency. Penalties may be reduced only if they are clearly excessive or not authorized by statute or rule.

A board must explain in its decision any reduction of a penalty and indicate why the reduction will not impede deterrence of future violations. The enforcement costs incurred by the local enforcing agency are to be taken into account. A penalty is not to be eliminated if there was no good faith compliance effort prior to the initial penalty; also, any reduction of the penalty shall be contingent upon correction of the violations within 30 days.

Time and space do not permit discussion of other pertinent aspects of the amendments. These include municipal fee appeals, which are now to be handled by the county boards, the revised hearing procedures involving the submission of written testimony, and the recognition of the board's subpoena powers. Code officials should review the adoption at page 2586 of the May 20, 1996 *New Jersey Register* in order to be prepared for the new procedures. Any questions concerning the adoption can be directed to my attention at 609/530-8838.

Source: Robert Hilzer, Esq.
Bureau of Regulatory Affairs

Signed, Sealed, Delivered

Permit applications for work that falls under the Master Plumbers Licensing Law definition of plumbing need to be sealed. This is probably one of the best enforced requirements in the code. But recently, the licensing board has suggested that the seal is really only part of the story. Currently, there are about 400 people who have seals, but whose licenses are not valid because they have failed to renew.

How do you make sure that the seal still represents that the individual is a licensed master plumber? Along with a pressure seal, plumbers are issued a wallet identification card. The card contains an expiration date and is reissued when the plumber renews the license. Inspectors can ask that a photocopy of the wallet card be submitted at the time of permit application. Inspectors cannot require that the contractor appear in person to seal the application and produce a wallet card.

Source: Mike Baier
Code Assistance Unit

Permits and Penalties

You discover that a contractor has installed a new deck without the required permit. This is not the first time this contractor has failed to obtain a required permit. When the contractor comes to your office with the permit application, you give him a notice of violation and an order to pay penalty. You also inform the contractor that he must pay the penalty before you will issue the permit.

The contractor protests and refuses to pay the penalty. What is wrong with this scenario?

The Bureau of Regulatory Affairs gets calls and written complaints about this situation regularly. Our response to the complainants is to inform them that you, the code official, should not hold up the permit until the fine is paid. However, at *N.J.A.C. 5:23-2.24(a)4* (reprinted below), the Uniform Construction Code (UCC) clearly allows the certificate of occupancy/approval to be withheld until the fine is paid.

N.J.A.C. 5:23-2.24(a) Certificate of occupancy shall be conditioned upon the following:

1. That the completed project meets the conditions of the construction permit, the approved drawings including all amendments, and all prior approvals;
2. That all required fees have been paid in full;
3. That all necessary inspections have been completed and that the completed project meets the requirements of the regulations;
4. That all violations have been corrected and that any assessed penalties have been paid.

This regulation and the applicant's right to appeal a penalty prevent requiring the payment of a penalty prior to the issuance of a permit. Withholding the certificate of occupancy or approval until the penalty issue is resolved is the appropriate way to deal with this situation under the UCC regulations.

If you have questions or comments, please contact William Ferguson at 609/530-8862.

Source: William Ferguson
Bureau of Regulatory Affairs

C.E.U. Requirements for U.F.C. Conversions

Those licensees who want to renew their Uniform Construction Code (UCC) licenses for less than three years, to correlate their UCC license expiration date with their Uniform Fire Code (UFC) Certification expiration date, must pay the same renewal fee of \$65.00, but will have their C.E.U. requirements reduced as follows: 0.5 C.E.U.'s per year for each Technical license; 0.0 C.E.U.'s up to one and one half years for Administrative licenses; 0.5 C.E.U.'s after one and one half years for Subcode Official; 1.0 C.E.U.'s after one and one half years for both Subcode and Construction Official licenses.

For example, if a licensed Construction Official renews his or her licenses on January 31, 1997 and requests that his or her expiration date be July 31, 1999 (rather than January 31, 2000), he or she would be required to complete 1.0 C.E.U. for each technical license possessed and 1.0 C.E.U. for administrative licenses (0.5 for Subcode Official and 0.5 for Construction Official). If you have any questions on this policy or any other licensing issue, you can call the Licensing Unit at 609/530-8803.

Source: John A. Delesandro
License Examiner, Bureau of Code Services

Standard Forms

The adoption of the changes to the standard forms will appear in the *New Jersey Register* about the time you receive this *Communicator*. So, anyone whose office is running low on standard forms should make a small replacement order. Revised standard forms will be available shortly! On a related note, changes to standard forms will also be reflected in DCA's UCCARS software. Watch for the announcement of UCCARS support seminars and distribution of the new software release. For those construction code enforcement offices that use a UCCARS-like software product, please contact your software developer concerning the necessary changes to the product you use.

Source: Berit S. Osworth
Division of Codes and Standards

BOCA/International Code Change Submittals

This is just a reminder that all code change proposals for both the BOCA Code and the International Code must be submitted by November 1, 1996.

Code change forms may be obtained either by calling the BOCA Eastern Regional Office at 215/638-0554 or by calling the Fax On Demand System. To use the Fax on Demand, call 708/799-2300, select #6, enter the document numbers you want, and then enter your fax number. The documents will be in your office in a couple of minutes. The BOCA Code Change and Submittal Procedures Form is document 2001. The International Code Change and Submittal Procedures Form is document number 4501. If you want a list of all documents available, request document number 1000. You may select up to three documents on each call.

The spring meeting for the BOCA Codes will be April 7-16, 1997 in Oakbrook, Illinois. The dates and location for the International Code spring meeting will be announced shortly.

Source: Code Assistance Unit

Having Problems Getting UCCARS Software to Work with Your Network?

UCCARS software can be used on Personal Computer Networks. So far, the UCCARS software has been successfully used on Novell, Lantastic, and Windows NT based networks. The primary reason for the networking of computers is to share the information and data entry responsibilities between workstations or personal computers.

The successful installation of UCCARS software is best tested by the selection of Send Data to DCA from the UCCARS main menu. If this works, the network has been properly setup for the UCCARS program. The main reason for the failure to transmit data is an improper root map on the user's log-in and the network. UCCARS software must be mapped to a root directory in order to transmit. For example: The UCCARS software has been installed

onto a fileserver (the PC designated as such) called Newtown. The software is further installed into a subdirectory called applications. The map root would be J: Newtown Applications. The command in Novell is map root L:=J:/Newtown/Applications. L is any available drive designation not already in use. The Uccars.bat file is copied to L: and the UCCARS program is run from L.

On a Windows NT network the only thing necessary is to run the program from the proper drive designation for the program, such as F: Drive. Additional questions may be directed to DCA, Division of Codes and Standards, Larry Wolford at 609/984-0040.

Source: Larry Wolford
Division of Codes and Standards

Recycled Building Products Workshop

The Department of Environmental Protection is sponsoring a recycled building products workshop on October 2, 1996 at the Holiday Inn, Cranbury, New Jersey. The fee is \$60.00. For additional information contact Steven Rinaldi, DEP, Division of Solid and Hazardous Waste at 609/984-3438.

Source: Steven Rinaldi
Department of Environmental Protection

Municipal Monthly Activity Reports

When you are preparing municipal monthly activity reports please remember that resale certificates should *not* be included on the certificate activity reports. Only those certificates issued as a result of construction should be included. Also, do not forget to complete the number of housing units gained or lost where appropriate. Lastly, the fees collected section pertains to all permit fees, both residential and non-residential. As these reports reflect monthly activity, they should be submitted monthly.

Source: Team UCCARS

Control Persons Association

There is a Control Persons Association starting in Monmouth/Ocean Counties. Come and join our new organization! The second meeting will be held in October 1996. If interested, please contact Lynn Mizer, Millstone Township Building Dept., 908/446-4415, or Patricia Famularo, Colts Neck Building Dept., 908/409-7139.

Source: Control Persons Association
Monmouth/Ocean Counties

Northern Regional Office Relocation

The Northern Regional Office of the Bureau of Local Code Enforcement has moved. The new mailing address and telephone number is: Northern Regional Office, #171 Route 173, Suite 107, Asbury Park, New Jersey 08802 (Telephone 908/713-0722).

Source: Mitchell Malec
Acting Bureau Chief, Bureau of Local Code Enforcement

New Jersey Register Adoptions Fall 1996

| Date | Adoption |
|---------|---|
| 6/17/96 | 28 NJR 3120(a) Private On-Site Agencies; Adopted Amendments: <i>N.J.A.C. 5:23-4.5</i> and <i>4.14</i> ; adopted 5/17/96, effective 6/17/96, operative 10/1/96. 28 NJR 3121(a) Barrier Free Subcode, Recreation; Adopted Amendment: <i>N.J.A.C. 5:23-7.2</i> ; Adopted 5/15/96, effective 6/17/96, operative 10/1/96. |
| 7/1/96 | 28 NJR 3301(a) Construction Permits - Exception for signs; Adopted Amendment: <i>N.J.A.C. 5:23-2.14</i> ; Adopted 5/24/96, effective 7/1/96, operative 10/1/96. |
| 7/15/96 | 28 NJR 3549(a) Elevator Safety Subcode, Seasonal Facilities; Adopted Amendments: <i>N.J.A.C. 5:23-1.4</i> , <i>2.8</i> , <i>2.18</i> , and <i>12.6</i> ; Adopted New Rule: <i>N.J.A.C. 5:23-12.10</i> ; Adopted 6/17/96, effective 7/15/96, operative 1/1/97. |
| 8/19/96 | 28 NJR 3923(a) Municipal Enforcing Agencies; Adopted Amendment: <i>N.J.A.C. 5:23-4.4</i> ; Adopted 7/15/96, effective 8/19/96, operative 11/1/96. |

Source: John N. Terry
Code Specialist

Focus Group for UCCARS Software Redesign

Attention UCCARS users, or those interested in UCCARS software, we are gathering information in order to organize a FOCUS group for the UCCARS software redesign. If you are interested in, or have suggestions for, this group please complete the following form and mail to: NJDCA, Division of Codes and Standards, CN 802, Trenton, NJ 08625-0802, Attn: UCCARS Focus Group.

| FOCUS GROUP | |
|--|---|
| Name _____ | Title _____ |
| Muni. in which you work _____ | Muni. Code _____ |
| Work Address _____ | |
| _____ | |
| Phone _____ | Fax _____ |
| Current System _____ | Current Hardware _____ |
| Network? Y/N | Novell Windows NT Other (Please Circle One) |
| Interested in Focus Group? Y/N | (Please Circle One) |
| Suggestions: _____ | |
| _____ | |
| _____ | |
| _____ | |
| Please attach additional pages(s) if necessary _____ | |

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State of New Jersey
Christine Todd Whitman, Governor

Volume 8 Number 4



Department of Community Affairs
Jane M. Kenny, Commissioner

Winter 1996

Multi-Family Residential Barrier Free Compliance

In July, Commissioner Jane Kenny participated in a press conference with David Lazarus and David Popiel, attorneys from the Community Health Law Project (CHLP), Eileen Goff, an advocate for people with disabilities, and William Connolly, Director of the Division of Codes and Standards. (John Del Colle, the Chair of the Barrier Free Subcode Committee, had a scheduling conflict and was, unfortunately, unable to attend.) In the press conference, Commissioner Kenny announced a plan of action that the Department of Community Affairs (DCA) would undertake to improve multi-family residential compliance with the Barrier Free Subcode (BFSC).

Earlier in the year, the Community Health Law Project had received a grant from the United States Department of Housing and Urban Development (HUD) to conduct an investigation of multi-family residential projects in New Jersey to evaluate their compliance with the Federal Fair Housing Amendments Act. Because the Barrier Free Subcode is at least as stringent as the Federal Fair Housing Amendments Act of 1988 (guidelines implementing the Federal law were published in March 1991), we in the

Department of Community Affairs thought that the CHLP would find that there is fundamental compliance. That proved not to be the case.

Representatives of CHLP visited 14 multi-family residential construction sites and determined that none of the projects complied fully. Upon learning this, we in the Department of Community Affairs were skeptical that there could be such widespread non-compliance, so we undertook an investigation of the same projects. That investigation substantially confirmed the CHLP findings.

Naturally, we wondered why so many projects did not comply. We based our search for an explanation on two premises: (1) rules that are clearly written can be uniformly enforced; and (2) licensed code officials diligently enforce the UCC insofar as it is known and understood. We turned to our Barrier Free Subcode for an explanation. It was an eye-opening exercise.

Due to the Permit Extension Act, permit applications for the projects had been filed over a considerable length of time. A couple of projects had received building permits for compliance with the

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Barrier Free Subcode that was in effect in 1985; several had received building permits between 1986 and 1990; most had received building permits between 1991 and 1996; a few were pending planning board approval and were required to comply with the 1995 revisions to the Barrier Free Subcode.

The projects had several features in common. All included buildings with flats over flats; some also had multi-story dwelling units — more than one story of living space in each unit (commonly called “townhouses”). Some projects had only two-story buildings; some included three-story buildings; a few had four-story buildings. All of the sites visited were “garden style” or “home style” units. (It is generally accepted that the large apartment/condominium buildings that are served by common core elevator(s) provide the accessibility that is required by the BFSC.)

As we looked at these common project features and as we studied the BFSC in its different editions (1977–1986; 1986–1990; 1990–1995; 1995 to present), we realized that the requirements for multi-family residential projects have not changed very much. We also realized that the language that contains those requirements has changed a great deal.

We concluded that there must have been some problems of clarity with the language in the BFSC. First, we saw that the 1995 changes to the BFSC stated clearly the effect of firewalls on multi-family residential accessibility requirements — and the effectiveness of the language was reflected in the number of telephone calls we received with people asking when the requirements changed and became so much more stringent. We concluded that, although it was technically accurate, the language in the earlier code editions had not been well understood. Second, we looked into the effectiveness of the Barrier Free Subcode course that is part of continuing education. By talking to past and current teachers and students, we found that until 1995 the course had emphasized accessibility in commercial buildings. Multi-family residential requirements had not been addressed in depth. Because we know that there is substantial compliance with the BFSC in commercial buildings, we concluded that education is an effective means of gaining compliance. The Barrier Free course has been revised to emphasize multi-family residential accessibility.

With the fundamental belief that (1) clear code language improves uniform enforcement and (2) code officials enforce those code provisions that are well-understood, Commissioner Kenny committed the Department of Community Affairs to the following actions to improve Barrier Free multi-family residential compliance:

1. The building subcode official will be the official designated with primary responsibility for enforcement of the BFSC;
2. The building subcode official will be required to take the course in the Barrier Free Subcode;

3. Two inspections will be required — one at framing and one a final — and these inspections will be included on the standard forms;
4. The Department will reach out to local planning and zoning boards to be sure that multi-family residential site plans submitted for approval include the space for required accessible routes and accessible parking; and
5. The Department will conduct random monitoring of multi-family residential sites to ensure that the rules are being uniformly enforced throughout New Jersey.
6. In addition to these five steps, the Department encourages local officials who receive plans that make no — or minimal — attempt to comply with the code to report those design professionals to the Board of Architects.

New Jersey has been a national leader in accessibility, for nearly 20 years. It is time to make sure that accessibility is enforced as effectively as are other code provisions. After all, access for all people should not be thought of as “something extra” or “an afterthought” or “nice to do.” Accessibility should not be considered “a pain” or “not important” or “too expensive.” Accessibility is a fundamental building code requirement. It’s the law.

Let’s enforce the code. Let’s retain our national leadership.

Source: Emily Templeton
Code Development

Accessibility Requirements for Bus Shelters

The Department has recently been made aware of a large number of bus shelters being constructed in the State. The purpose of this article is to alert you to the accessibility requirements for these structures.

The bus shelter itself is required to be accessible. The first item which should be reviewed when these structures are submitted for approval is the entrance into the shelter. This entrance is required to have a minimum opening of 32 inches clear. The second part of the structure which should be reviewed is the size of the inner portion. The inner area is required to be provided with a minimum of five foot turning radius or a T-shaped space within a 60 inch minimum with arms 36 inches minimum and 60 inches long. (For a better understanding of the T-shaped space, please refer to Appendix B of CABO/ANSI A117.1, Figure B4.2.3.)

If the bus shelter abuts an accessible route, such as a public sidewalk, the accessible route is required to be continued into the bus shelter. This route is required to have a minimum clear width of 36 inches and to be stable, firm, and slip resistant.

If the shelter is provided in a rural setting without sidewalks, there is no need for the accessible route to be created to serve the shelter. The interior space, however, is still required to be accessible.

In an attempt to save myself a large number of telephone calls regarding this article, I will attempt to answer a couple of questions which beg to be asked. The first question is: "We do not have any accessible buses in our town, do we have to provide accessible bus shelters?" The answer is yes, if bus shelters are being constructed. There is a Federal law which requires buses to be accessible; the Uniform Construction Code, specifically the Barrier Free Subcode, requires buildings and structures to be accessible. The second question that comes to mind is: "The bus shelter is less than 100 square feet and does not require a foundation to the frost line. How does accessibility affect these provisions or exemptions of other subcodes?" The answer is not at all. The provisions for accessible features does not trigger the installation of a foundation or compliance with the provisions of other subcode items; these requirements are separate and distinct.

I trust this clears up some of the questions you might have with regards to these types of structures. Should you have any questions which I have not answered, give me a call at 609/530-8793.

Source: John N. Terry
Code Assistance Unit

Barrier Free Recreation

An accessible route of travel is required to connect the following elements in each recreation area: at least one site access point with support facilities, accessible recreation facilities, and accessible recreation equipment. This is one of the key provisions in the rules for Barrier Free Recreation. Another key element is that the surface of an accessible route must be *stable, firm, and slip resistant*.

The Code Development and Assistance Section is producing a series of brochures that address accessible recreation requirements. One brochure outlining "Accessible Sites and Equipment" is now available and has been sent to some interested parties. Additional brochures outlining the following recreation elements will be available shortly:

- "Trails — Camping — Boating and Fishing"
- "Pools — Swimming and Skating — Ice and Roller Rinks"
- "Golf — Ski Lifts, Aerial Tramways — Equestrian Facilities"
- "Playing Fields — Court Games — Equipment"

If you are interested in obtaining any of these brochures (as they become available) or if you would like to be included on the interested parties mailing list for accessible recreation, please contact me at 609/530-8788.

Source: Gail R. Weikel
Code Development and Assistance

Effects of the Barrier Free Subcode Amendments on Prototype Approvals

As per *N.J.A.C. 5:23-2.15(e)3.iii*, which states:

The release of plans or prototype approval shall be valid for the purposes of applying for a construction permit until six months after the operative date of the next edition of the code, as set forth in *N.J.A.C. 5:23-1.6(b)*.

The operative date of the "new" Barrier Free Subcode was July 1, 1995. The six month grace period expired on January 1, 1996. As with any other "edition of the code," prototype approvals which were affected by the requirements of the new Barrier Free Subcode should have been resubmitted for approval.

Source: John N. Terry
Code Assistance Unit

Due to popular demand, the following article is being reprinted from the Spring 1995 Construction Code Communicator.

Requirements above and beyond the Code

It has been brought to the attention of the Department that confusion exists with respect to the application of *N.J.A.C. 5:23-2.2(c)* by construction and subcode officials. The regulation states, "Any requirement for structural, fire or sanitary safety of a building or structure, or essential for the safety of the occupants thereof and which is not specifically covered by the regulations, shall be determined by the construction official and appropriate subcode official." Instances have occurred where this regulation has been misapplied by code officials in an attempt to obtain what they wanted rather than what was intended by the regulations.

This section of the regulations should only be utilized when a situation occurs which is not addressed in any manner by the various subcodes which comprise the Uniform Construction Code. It should not be utilized to prohibit a procedure or installation which is not prohibited by the model codes. If a construction official, subcode official, or licensed inspector has an objection to a particular procedure or installation, he/she must be able to reference a particular model code section to justify the objection. Otherwise, what was intended to be a uniform construction code becomes a code personalized to each official's particular concerns with no real opportunity for consensus on what is and what is not a violation of the code. If an official believes that a matter comes under the requirements of *N.J.A.C. 5:23-2.2(c)*, he/she should not only provide for the necessary requirements for a safe installation, but should also work to have the situation addressed by the code. This will help to eliminate the exercise of discretion on the part of the code official which causes much confusion, delay, and expense in the construction industry.

Source: Robert Hilzer
Bureau of Regulatory Affairs
Construction Code Communicator, Vol. 7: No. 1: Spring '95

The Effects of a Driving Rain

The degree of safety in any industry is always a balancing act. For example, the auto industry has been prompted to make their products more safe by providing either air bags, anti-lock brakes, or automatic seat belts. Clearly, cars would be safer if equipped with all three, but the industry has compromised. It's the old battle between cost and benefit.

How safe is safe, and how redundant building systems have to be, is a line that moves every time a new edition of the code is adopted. Sometimes people try to move this line even when code sections don't change. This seems to be the case with roof drains.

The building subcode is the place in the UCC where the issue of secondary roof drainage is addressed. Section 1609.5 says that "Roofs have to be designed for the maximum possible depth of water that would pond thereon as determined by the relative levels of the roof deck and the overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements." Now here is the kicker: "In determining the maximum depth of water all primary roof drainage means shall be assumed to be blocked." This language has been in the code since the 1981 edition. The way this section has been interpreted by BOCA is changing even though the section itself has not.

For many years, BOCA had drawings in its seminar materials and commentaries that showed a secondary roof drain that tied back into the primary drain under the roof deck. This recognized the fact that roof failures occur because the strainer on the roof drain can become clogged with debris that accumulates on the roof. Recently BOCA has begun advising people that they must consider a blockage anywhere in the roof drainage system. Interpreted this way, the secondary roof drain must be connected to a system that is completely independent of the primary system.

There is no doubt this is a safer system. But let's get back to cost benefit. What happened in the span between 1981 and 1996 that prompted BOCA to change the way it read Section 1609.5? After talking to insurance providers and BOCA, in terms of roof collapses, nothing happened. While there are several cases where roofs have collapsed due to debris such as leaves or pigeon feathers blocking the roof drain itself, I have not been able to find anyone who can document a roof collapse due to a blockage in the roof drainage piping.

Reading this section to require a complete secondary roof drainage system at this time appears to be the equivalent of the auto industry encasing drivers in a car full of pillows.

Source: Mike Baier
Code Assistance Unit

Dielectric Fittings!

"What is this?" "I have never heard about this." "Nobody uses it in single family homes." "Many code officials don't enforce it." "Other townships don't require this." And so on and so forth

the questions keep revisiting us; the issue therefore needs clarification.

When dissimilar metal pipes come in contact with each other, there occurs galvanic corrosion in the presence of an electrolyte, such as water. Some metals corrode faster than others. Therefore, a method of protection against galvanic corrosion is necessary. Both the mechanical (M-704.1.1) and plumbing (4.3) subcodes require approved dielectric fittings or similar protection at joints for hydronic and potable water pipings. Numerous adapter fittings are available in the market and they are designed and listed to join different metallic pipe materials. They provide an electric isolation between dissimilar metal pipes conveying the fluid.

Code officials should carefully enforce the requirement of dielectric fittings compatible with the pipe material and working fluid. The code does not provide any exemptions for single family homes or smaller structures. Please call the Code Assistance Unit at 609/530-8793 with any questions.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

'Well' It Ever End?

Recently the Bureau of Regulatory Affairs has been made aware of ongoing problems regarding the plumbing official's responsibility concerning individual private wells and well or water conditioning equipment.

As most plumbing officials are aware, Chapter 17 of the 1993 edition of the National Standard Plumbing Code, Potable Water Systems, has been deleted in its entirety by *N.J.A.C. 5:23-3.15(b)17*. The existing standards of the Department of Environmental Protection and Boards of Health with respect to individual on-site water supply systems remain in effect. However, Section 10.12.2 of the 1993 National Standard Plumbing Code requires a building valve located inside the building near the point of the water service entrance and is clearly the responsibility of the plumbing official.

Confusion arises regarding the specific location of the building valve. Some plumbing officials believe this valve should be located at the point the well water supply pipe enters the building, which would position the valve upstream from the pressure tank and any water conditioning equipment. But this presents a problem because this valve could be manually closed which could cause a submersible pump to pump continuously into a dead-end. Furthermore, added confusion arises because the equipment is located downstream from the building valve which puts it in building water distribution piping, which is, as we know, the responsibility of the plumbing official.

In an attempt to clarify the issue, the Bureau of Regulatory Affairs recommends the following to the plumbing official:

1. Require the building service valve as close as possible downstream of any well or conditioning equipment. Pumping equipment can be shut down electrically upstream from the building service valve in an emergency.

2. Any well/water conditioning equipment upstream from the building service valve is not the responsibility of the plumbing subcode official. Specifically, the plumbing official has no responsibility for materials, performance, connections, backwash discharge, sizing or any other aspects of this equipment. The local health department has responsibility for approving this equipment.
3. If a building valve is to be moved to accommodate new well equipment or water conditioning equipment, a plumbing permit must be obtained by either a licensed master plumber or a homeowner, as appropriate. The purpose of this permit and subsequent inspection is to ascertain if the change of piping arrangement to accommodate the appropriate building valve is code compliant. Mentioned above, the new well/water conditioning equipment installed as a result of the piping change is not the plumbing official's responsibility.
4. If it is determined that there is inadequate water pressure which proves insufficient to provide flow pressures at fixtures outlets pursuant to Section 10.14.4 of the 1993 National Standard Plumbing Code, the official can issue the appropriate notice(s) to rectify the code violation. However, the official should be concerned with the pressure only, not any contributing factors that could be associated with well or water conditioning.

Source: Thomas Uber
Bureau of Regulatory Affairs

Education and Training Assessment

A working group has been put together to provide insight and experience as we review and evaluate the Uniform Construction Code Enforcement Education and Training Program. Are the inspectors getting the education they need to implement and perform their official duties? Should we make some changes or additions?

This review applies to both continuing education and college education requirements for licensing. This study will continue over the next year. If you have input, we will welcome your comments. Please contact Andy Jaskolka, Review Coordinator, at 609/530-8798.

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

Bulletins!!!! Bulletins!!!!

Confused about the revised bulletins? Yes, recent revisions to some of the bulletins created some confusion. When a bulletin is revised, two numbering systems are being followed. If no significant changes took place over the years and the bulletin has been revised due to new code citations and minor modifications, the old bulletin number has been retained and the date of revision is included in the bulletin. Where regulations have been changed

and substantial new developments have taken place, the bulletin has been assigned a new number with current date and year; a note tells which bulletin it superseded. In the future, the Table of Contents will detail the actions taken on revised bulletins. Bulletin 88-6, Permits for Retaining Walls, is a good example of the category where the changes were minor and the original number was retained. Bulletin 96-2 in signing and sealing construction documents, which will be available shortly, is a good example of the category where a new number is assigned because there were substantial changes.

If there are any questions or comments, please call the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, P.E.
Supervisor, Code Assistance Unit

Hydraulic Elevators — Phase Protection

A problem that was noticed with some of the Roped Hydraulic Elevators was brought to the Elevator Safety Unit's attention. We would like to share this information with the Elevator Subcode enforcing community. The following is the information provided:

Recently we had a problem at a job which has an early model of Roped Hydraulic Elevator, the problem was that the elevator couldn't run; it was on the limits. During troubleshooting, we discovered that this particular elevator had a "PHASE PROTECTION" relay, which will shut the elevator down in the event of the loss of a phase; however, our problem was that somehow the phases to the elevator had been switched, so that there was no "reverse phase relay" and the end result was that the motor ran backwards, sucking oil rather than pumping oil.

Reminder: Phase Reversal and Failure Protection requirement for hydraulic elevators powered by the polyphase alternating-current motors was first introduced in the ASME A17.1-1986 supplement.

Source: Paulina Caploon
Elevator Unit

Northern Regional Office Address Correction

There was an error in the address given for the Northern Regional Office in the Fall 1996 Construction Code Communicator. The correct address is:

Northern Regional Office
#171 Route 173, Suite 107
Asbury, New Jersey 08802
Telephone: 908/713-0722

Source: Mitchell Malec
Acting Bureau Chief
Bureau of Local Code Enforcement

Those Questions the ISO Is Asking Are Hard!

Construction officials throughout New Jersey are receiving questionnaires from the Insurance Services Office (ISO), which will use the results to evaluate the effectiveness of construction code enforcement offices. The ISO evaluation consists of two parts — the questionnaire and a visit to each office by an ISO representative to discuss the questions and answers. Once an evaluation is complete, each town will be given a classification number. The highest classification is 1; the lowest is 10. Towns that do not respond to the questionnaire are considered non-participants and are assigned a classification that indicates “non-participant.” Starting in 1997 (that’s this year!), insurance companies will have the option of offering insurance discounts on newly constructed buildings. The level of discount will be tied to the town’s classification. A classification of 10 and towns classified as “non-participants” will not have access to the discounts.

The Department of Community Affairs has been working with ISO to be sure that our Uniform Construction Code (UCC) is well understood. When you receive your questionnaire, you will notice that some of the questions are asked in a way that makes them a little confusing to answer. This is because the questionnaire is designed to serve all code enforcement jurisdictions in the nation, even those with limited code enforcement.

So, we at DCA are providing the following guidance, with the hope that it will help you fill out the questionnaire more accurately. As you review the questions, keep in mind that ISO is particularly interested in evaluating the effectiveness of code enforcement as it applies to a building’s structural integrity. At this time, ISO is not evaluating fire safety, which is a separate program, or other, non-structural enforcement issues.

Background Data

The questionnaire is divided into several sections. It begins with Background Data. Although most of the questions in this section are clear, some need a little explanation.

QUESTION 6 asks for the name of the building official. Throughout the questionnaire, when ISO asks questions about the building official, it is looking for the name of the person who runs the code enforcement office, so in New Jersey they mean the construction official.

QUESTIONS 12 and 13 ask for the breakdown of permits by subcode. This information should be available from the UCCARS system.

QUESTION 14 requests data for “the most recent 12 month period.” You can designate what the 12 month period is, but you must be sure that all your answers to all questions on the questionnaire are based on data from the same 12 month period. It can be a calendar year, a fiscal year, or any most recent 12 months. You should identify the period from which your data is drawn, for example, 7/95 – 6/96, 1/95 – 12/95, or 3/95 – 2/96.

QUESTION 16 asks about the number of variances from floodplain regulations that have been granted. This is a zoning question that should be referred to the zoning officer.

QUESTION 18 asks which natural hazards are addressed by amendments to the building code. Since the code is not amended, the response is “None.”

QUESTION 22 asks how the code enforcement office is funded. The answer is the “Enterprise System,” which means that it is supported by fees.

Administration of Codes

In this section, ISO wants to know whether a national model code is adopted (it is) and whether its structural provisions are amended (they are not).

QUESTION 5 asks you for the amount of money in your budget spent on training. Because they — and we — believe that training and education make better code officials, ISO wants to support (which means give points for) those municipalities that support training. DCA has worked hard to be sure that ISO understands the State training fee system, so that municipalities will get credit for having contributed to training. You should put “state training fee” in that space. If your municipality pays for you to participate in the national BOCA meetings, you can put the cost here. Also, if your municipality supports your participation in your local BOCA — or other subcode — chapter or supports your service to BOANJ, you can enter that here. Participation means more than membership; the municipality must allow you to spend time actively participating in local BOCA chapter meetings or national BOCA meetings. This applies to professional code associations for the other subcodes as well.

QUESTION 11 seeks information on the Construction Board of Appeals. This is a UCC issue and should be answered with the Construction Board of Appeals citation from the UCC.

QUESTION 14 says building official, but actually means construction official.

QUESTION 20 asks whether contractors or builders are required to be licensed. Electrical contractors and plumbing contractors are required to be licensed, so they should be included. New home builders are required to be registered, but not licensed, so that should be included. If your municipality requires any other building professional to be licensed, that should be included.

QUESTION 24 asks whether you report design professionals to their licensing boards if you find significant violations. If you do, say so.

Plan Review

In this section, ISO is interested in finding out the extent to which plan review is part of code enforcement. Remember, this questionnaire is designed to be answered by all code jurisdictions throughout the nation, and there are some places that do not require plan review at all, and there are some places that do not require plan

review for certain kinds of buildings, such as single family homes. When you think about the kinds of buildings that are destroyed or severely damaged in storms, you understand why ISO is emphasizing plan review.

QUESTION 10 asks whether the code enforcement office uses evaluation reports when a request to use a new product is submitted. These reports are provided as part of your BOCA subscription and we encourage using them. If you have used them, say so. If you accept them, say so. If you make them available to permit applicants or to design professionals, say so.

Inspection — Enforcement

In this section, ISO is trying to find out how diligent and effective the inspections are. Again, consider the kinds of building damage that results from natural hazards, and you will understand this emphasis on evaluating inspections.

QUESTION 2 asks for a breakdown of the total number of inspections performed. If one inspector inspects for compliance with more than one subcode (for example, building and mechanical) in one site visit, it counts as two inspections. This section is counting the number of inspections, not the number of site visits. The answer to this question should be reasonable. If the number reported is unusually high, the ISO representative will wonder about the quality of the inspections. If the number is unusually low, the ISO evaluator will wonder why so few inspections were completed.

QUESTION 3 focuses on building inspections because this program is concerned with the structural integrity of buildings.

QUESTION 6 asks for an "approximate" percentage of construction inspections resulting in correction notices, and QUESTION 7 asks about stop work orders. If your office has exact numbers, you should include them. If you do not have exact numbers, an estimate is fine.

QUESTIONS 9 and 10 ask about special inspections. Question 9 asks if you require them and, if you do, at what point — for example, size of project, complexity of project, or construction type. Question 10 asks whether the inspectors have to meet specific requirements for education and/or experience. The terms used in this question may not be clear. The "special" inspection here is the "required" inspection for which work must stop under the UCC; specifically it means the footing and foundation and the framing inspections. The inspector who makes those inspections is required by the UCC to be licensed and to have experience. Remember, the ISO is concerned about structural issues and wants to be sure that the buildings are being inspected for specific structural items; therefore, you will need to show the ISO representative that the inspection you make covers *all* required code items, including those for natural hazard mitigation, such as special fasteners, nailing schedules, roof and wall sheathing, roof tie-downs, and seismic and wind bracing. Thus, the response to Question 9 is that special — we say required — inspections are mandatory for all buildings and

are not limited by size or complexity of the project. The response to Question 10 is that the inspectors are required to be licensed and to have experience.

Existing Buildings

This section is geared to property maintenance and is not directed at alterations or changes of use. However, the first section refers to adopted model codes. You should fill out this section so that it is clear that for all years since 1977, buildings were reviewed, inspected, and issued certificates of occupancy based on compliance with the model code in effect when the building was built. The history of the code adoptions was run as a table in the Fall 1993 *Construction Code Communicator*. If your municipality has a property maintenance ordinance, fill out the parts of this section that apply.

About the time you are receiving this issue of the *Communicator*, we will be sending a copy of this article to all construction officials with the appendix that gives the directions on how to get the information from UCCARS. To encourage full municipal cooperation, a copy of the letter will be sent to each mayor.

We hope this guidance helps explain the purpose of the ISO program and also helps you understand some of the individual questions more completely. If you have questions about how to pull information off UCCARS, please contact Team UCCARS at 609/292-7898; if you have questions about what is meant by any of the questions, please contact Lou Mraw at 609/530-8838 or Emily Templeton at 609/530-8788.

Source: Emily Templeton
Code Development

Five-Year Limitation Required on UCC Course Completions

A recently adopted amendment to the regulations (*N.J.A.C.* 5:23-5.5), provides for a five-year limitation on the acceptance of Uniform Construction Code (UCC) approved course completions. While the adoption has been approved, it does not become effective until February 1, 1997.

Therefore, if you have been waiting to upgrade your licenses and the courses you have completed are nearing the five-year limit, it is suggested that you submit an application for the license(s) desired as soon as possible to avoid having to take the course again. One other item to keep in mind regarding this regulation change is that a provision has been made to clarify tuition remission. The amended regulation makes it clear that an applicant can be reimbursed only once for completing a given UCC required approved course.

If you have any questions regarding this matter, or any other licensing issue, you may call 609/530-8803.

Source: John A. Delesandro
License Examiner
Bureau of Code Services

Elevator Records Management 102

In the process of performing elevator record reviews at local enforcing agencies (LEA's), recurring problems encountered involve the inputting of elevator inspections into the UCCARS as well as several other common problems which will herewith be addressed.

You may have noted that this article is 102 in an ongoing series dealing with this heretofore largely overlooked area. The first article (from the Spring 1996 *Construction Code Communicator*) will serve as "101" in the series. The rationale is that, instead of presenting detailed, all-encompassing articles annually, there will be more frequent, shorter articles dealing with a few points. We hope this provides enhanced comprehension and implementation.

First, no Construction Permits (UCC Form F-170C) or Elevator Technical Sections (UCC Form F-150) should be issued nor is it necessary to issue a permit number (actual or dummy) in order to enter elevator inspection activity/money into the UCCARS. The following is all you need to do:

Access the "miscellaneous payment and adjustment" screen and type in "ELEV". Be sure to enter all elevator inspections identically because deviating from the "ELEV" entry will result in a different category of receipts which will, in turn, result in an inaccurate elevator inspection total. The running total will show as a separate (from permit activity) category in the "Audit of Cash Receipts" column. To complete the entry process, you will need the block and lot number of the building. Should you encounter problems with the above, contact Larry Wolford at 609/ 292-7898.

When an elevator is removed from service (no work done to it), issue a Minor Work permit. If it is to undergo renovation or outright physical removal, issue both the Construction Permit and Technical Section (the fees collected for these are permit activity). Be sure to put a copy of the permit and technical section in the INSPECTION file for that building in order to allow any interested party access to the elevator's full history including why and for how long it was taken out of service.

In closing, we ask that all Construction Officials disseminate to the Elevator Subcode Official and/or Control Person this and any other *Communicator* articles pertinent to their functions. Please direct any questions relating to elevator inspection procedural requirements to me at 609/ 530-8833.

Source: Phil van Leeuwen
Elevator Safety Unit
Bureau of Code Services

Closing of Permits or Issuing Certificates in UCCARS

This article serves as a reminder to municipalities that all permits must be closed. In UCCARS, as well as in manual systems, this is done by issuing a certificate.

UCCARS I

In UCCARS SYSTEM I, after a permit has been entered and all inspections have been made as required by the Uniform Construction Code (UCC), the permit is ready to be closed. This is accomplished by following these steps:

- Select Enter Data from the Main Menu.
- Select Certificate Log from the next screen.
- This will bring up a screen that looks like the permit screen except that the program will be requesting that you input a certificate number. Enter the permit number.
- The input of the permit number will automatically fill in the information from the permit. You must select the type of Certificate to issue and enter the date the certificate is issued.

When you have done this, and have saved the data, the permit is closed.

There is one exception — Selecting a Temporary Certificate of Occupancy (TCO) means there is still work necessary before the issuance of a Certificate of Occupancy (CO); therefore, an expiration date for the TCO must be input.

UCCARS II

In UCCARS SYSTEM II, after a permit has been entered and all inspections have been made as required in the UCC, the permit is ready to close. This is accomplished by following these steps:

- Select Enter or Update Data from the Main Menu
- Select Certificate from the next screen
- This will bring up a screen that reads Certificate Applic'n (1 of 2).
- The program will be requesting that you input a certificate number. Enter the permit number.
- The input of the permit number will automatically fill in the information from the permit. You must select the type of Certificate to issue and the date the certificate is issued.

When you have done this, and have saved the data, the permit is closed.

There is one exception — Selecting a Temporary Certificate of Occupancy (TCO) means there is still work necessary before the issuance of a Certificate of Occupancy (CO); therefore, an expiration date for the TCO must be input. Then, the program will prompt you to either F2 to print the certificate or F10 to continue.

Once the data has been entered, not only can the program can properly report all certificate activity to DCA, but the municipality can maintain accurate records of permits which have not been inspected.

If you have any questions, please call Larry Wolford at 609/ 292-7898.

Source: Larry Wolford
UCCARS Unit
Division of Codes and Standards

How to "VOID" a Permit in UCCARS and Updating of Demolition Permits

In recent weeks we have received several calls regarding the updating of permits. The most common misconception evolves around permits for demolitions. A demolition permit is a separate permit and cannot be updated to include the new structure to be built or placed upon the site. If there are changes to be made to a demolition permit, such as a change in value or needed subcodes, they should be done using the 4th level password, as follows:

- Select Enter Data (System I) or Enter or Update Data (System II) enter your 4th level password.
- Select Permit Fee Log (System I) or Permit (System II).
- The program will offer you the choice of F2 to modify the permit number or F10 to continue. Select F10 to continue.
- The next choices will be F2 to create permit update or F10 to continue. Select F10; this will display the permit data as it was initially entered. You can change as many fields in the permit as needed. If there is a new structure to be built on the site of the demolition, the applicant must be issued a new permit.

The same procedure is used to void a permit in the system, with the following changes:

- Before changing the permit, go to the main menu.
- Select Enter Data or Enter or Update Data.
- Enter 4th level password.
- Select adjustments.
- Adjust out the money.
- Go back to Permit or Permit Fee Log.
- Input permit number to void.
- When prompted to select F2 to modify permit number, select F2.
- Change the number to 54-00001.
- Change the date of issuance to 01-01-54.
- Type void under name address fields.
- Save the permit.

If you have any questions, please call Larry Wolford at 609/292-7898.

Source: Larry Wolford
UCCARS Unit
Division of Codes and Standards

Building Safety Conference 1997

Calling all inspectors, control persons and interested parties! The Building Safety Conference of 1997 will be held in Atlantic City at the Trump Taj Mahal Casino Resort on May 7th

through May 9th. As usual, there will be an early registration rate, but our fees have not yet been determined. The Taj Mahal will be setting aside a block of sleeping rooms at a special rate of \$92 per room.

The second annual golf outing will take place on Wednesday, May 7th. Please consider being a sponsor or a player.

More information on all these events will be in the brochure to be mailed in early March. We encourage you to mark your calendar now and look forward to seeing you in Atlantic City in the spring.

Source: Education Unit
Bureau of Code Services

Certificate Program: Technical Assistant to the Construction Official

The purpose of this certification program is to formalize a training program to ensure that the key position of the Technical Assistant is given education appropriate to the level of responsibility in the full implementation of the Uniform Construction Code in our local jurisdictions. The Certificate represents a level of training and understanding of the UCC that will assure that critical administrative and technical duties are properly executed by these employees.

The Certification Program will consist of targeted courses as part of the continuing education program currently under grant with Rutgers University. The Certificate would be obtained over a two to three year period and would consist of a core curriculum of ten courses. Our goal is to implement this program in the Spring of 1997. If you have any questions, please contact the Education Unit at 609/530-8798.

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

Attention: South Jersey Control Persons

We would like to announce the formation of a Control Persons Association for South Jersey. The C.P.A.S.J. is comprised of construction office employees from Atlantic, Cape May, Cumberland, Gloucester, and Salem Counties. This association will be dedicated to promoting and encouraging the exchange of information, education, responsibilities, and professionalism of the control person and to advance the recognition of the role we play in the construction office.

We have received positive feedback from our first two meetings and invite anyone interested in joining to contact Kathy Franzoi or Sharon Paterno from the Vineland Construction Office at 609/794-4113.

Source: Education Unit
Bureau of Code Services

Control Persons Association of Bergen/Passaic County

For you "Control People" who already know us, this is old news — but it's important news for those who are not yet aware of our organization.

We are in the second year of our organization, and our membership drive for the year 1997 is currently underway.

Our organization was formed with the idealism to educate thoroughly each and every one of us through information furnished by speakers, hands-on daily work contact with each other, and attending classes. Our endeavors have met with both praise and satisfaction by our superiors.

We have four meetings per year — March, June, September, and November. We try to have a guest speaker at each meeting.

Current Officers

Dorothy J. Giesenhaus — President — Saddle River

Linda Aiello — Vice President — Washington Township

Judy Russo — Treasurer — Montvale

Susan Syme — Secretary — Saddle Brook

Anyone working in a construction department is welcome to come. If you are interested in joining but are not in our immediate area, call Linda Aiello (201/666-0462). We are here to help.

Remember, this is a dual effort. Construction officials share this information. We all make it work.

Source: Dorothy J. Giesenhaus
President, Control Persons Association
of Bergen/Passaic County

Control Person of the Year

The Building Safety Conference Committee would again like to recognize a "Control Person of the Year" at the Spring 1997 conference. We feel that this team member is one of the most valuable players in the municipal organization of code enforcement.

The committee has agreed to continue to review nominations for this year. Next year, it is expected that the Control Person Associations will have a statewide executive board to carry on with the award.

The award is available to control people who meet the following criteria:

A full time control person for the past five years in one or more New Jersey municipalities whose activities have advanced the efforts of code enforcement. A resume is to be included that highlights both paid and volunteer activities of the individual.

Nominations may be received from mayors or township committee members, the public at large, control person organizations, and other control persons. Nominations from construction officials will not be accepted.

Please respond with nominations by March 31, 1997 to: Building Safety Committee, Box 6604, Lawrenceville, NJ 08648.

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

New Jersey Register Adoptions Winter 1996

| Date | Adoption |
|---------|--|
| 11/4/96 | 28 NJR 4782 (a) Standard Forms; Adopted Amendments: <i>N.J.A.C.</i> 5:23-2.18A, 2.20, 4.5, 9.5, and 12.9; adopted 9/30/96, effective 11/4/96, operative 5/1/97. |
| | 28 NJR 4783 (a) Radon Hazard Subcode; Notice of Administrative Changes: <i>N.J.A.C.</i> 5:23-10 Appendix 10-A. |
| 12/2/96 | 28 NJR 5071 (a) Municipal Enforcing Agency Fees; Licensing; Adopted Amendments: <i>N.J.A.C.</i> 5:23-4.17, 5.5, and 5.7; adopted 10/23/96, effective date 12/2/96, operative date 2/1/97. |
| | 28 NJR 5071 (b) Review Committees; Renewal of License; Adopted Amendments: <i>N.J.A.C.</i> 5:23-5.21 and 5.25; adopted 10/23/96, effective date 12/2/96. |

Source: John Terry
Code Specialist

Federal I.D. #22-3414713

Control Persons Association of Bergen/Passaic County MEMBERSHIP APPLICATION

Name _____

Position _____ Phone _____

Municipality (or employer) _____

Address _____

City, State, Zip Code _____

County _____

Home Address _____

City, State, Zip Code _____

County _____

Home Phone _____

Applicant's Signature _____

Application must be complete in order to be processed.

FOR OFFICE USE ONLY

Date Received _____ Amount _____ Check # _____

Focus Group for UCCARS Software Redesign

Attention UCCARS users, or those interested in UCCARS software, we are gathering information in order to organize a FOCUS group for the UCCARS software redesign. If you are interested in, or have suggestions for, this group please complete the following form and mail to:

NJDCA
Division of Codes and Standards
CN 802
Trenton, NJ 08625-0802
Attn: UCCARS Focus Group.

| FOCUS GROUP | |
|--|-------------------------|
| Name _____ | Title _____ |
| Municipality in which you work _____ | Municipality Code _____ |
| Work Address _____ _____ | |
| Phone _____ | Fax _____ |
| Current System _____ | Current Hardware _____ |
| Network? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, which kind? <input type="checkbox"/> Novell <input type="checkbox"/> Windows NT <input type="checkbox"/> Other | |
| Interested in Focus Group? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Suggestions: _____ _____ _____ _____ | |
| Please attach additional pages(s) if necessary | |