

(l) The fee charged for the annual electrical inspection of swimming pools, spas or hot tubs shall be a flat fee and the amount of the fee shall be set to cover the costs.

Amended by R.1984 d.260, effective July 2, 1984.

See: 16 N.J.R. 3(a), 16 N.J.R. 1714(c).

Section substantially amended.

Amended by R.1985 d.351, effective July 15, 1985.

See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

Old (a)4 deleted and new text substituted.

Amended by R.1986 d.213, effective June 16, 1986.

See: 17 N.J.R. 2490(a), 18 N.J.R. 1266(a).

Added text to (a)4 "annual permit-fees shall be non-refundable" and (a)5 "Prior to the issuance of the annual permit" and "Bureau of Construction Code Enforcement."

Emergency amendment, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

Minor technical changes made throughout section.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989 (operative January 1, 1990 for 4.18(c)-(e)).

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted with change.

Added sections (c)4; (k)liv and v.

Deleted sections (e), "Removal permit fees"; (l)1ii, "Fire subcode"; and (l)4, "Elevator fees . . .", with renumbering and recodification.

Amended by R.1991 d.325, effective July 1, 1991.

See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Uniform flat fees for elevators to be set forth in ordinance and schedule.

Amended by R.1992 d.230, effective June 1, 1992.

See: 24 N.J.R. 168(a), 24 N.J.R. 2052(a).

Form numbers changed in (a)5.

Amended by R.1992 d.313, effective August 3, 1992.

See: 24 N.J.R. 1846(a), 24 N.J.R. 2712(b).

No inspection fee for gas service entrances.

Amended by R.1993 d.187, effective May 3, 1993.

See: 25 N.J.R. 624(a), 25 N.J.R. 1875(a).

Added (c)5.

Amended by R.1993 d.353, effective July 19, 1993.

See: 25 N.J.R. 1629(a), 25 N.J.R. 3147(a).

Amended by R.1993 d.665, effective December 20, 1993.

See: 25 N.J.R. 4548(a), 25 N.J.R. 5928(a).

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Amended by R.1994 d.323, effective July 5, 1994 (operative January 1, 1995).

See: 25 N.J.R. 2162(a), 26 N.J.R. 2780(a).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), 27 N.J.R. 2715(a).

Amended by R.1995 d.475, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1716(a), 27 N.J.R. 3325(a).

In (a)(5) added individuals to be trained and registered.

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), 27 N.J.R. 3325(b).

Rewrote (f) and (g).

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

Amended by R.1997 d.418, effective October 6, 1997.

See: 29 N.J.R. 3402(a), 29 N.J.R. 4286(a).

In (c)5, inserted reference plumbing inspector.

Amended by R.2000 d.47, effective February 7, 2000.

See: 31 N.J.R. 2314(a), 32 N.J.R. 443(a).

Rewrote (c)3; and added (l).

Amended by R.2001 d.347, effective October 1, 2001.

See: 32 N.J.R. 3218(a), 33 N.J.R. 3430(a).

Rewrote (f).

### Case Notes

Owner was not entitled to hearing before administrative law judge to review adverse determination of Department of Community Affairs regarding its challenge to permit fees charged in connection with construction of new building absent evidence that township's permit fee revenues exceeded its expenditures, in violation of governing law. *Toys R Us, Inc. v. Township of Mount Olive*, 300 N.J.Super. 585, 693 A.2d 539 (A.D.1997).

Fee standards violation. *Bureau of Construction Code Enforcement v. Hasbrouck Heights*, 4 N.J.A.R. 282 (1983).

### 5:23-4.19 State of New Jersey training fees

(a) In order to provide for the training and certification and technical support programs required by the Act, an enforcing agency, including the Department when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the municipality. Said fee shall be accounted for and forwarded to the Division of Codes and Standards in the manner herein provided.

(b) Amount: This fee shall be in the amount of \$0.0016 per cubic foot volume of new buildings and additions. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The fee for all other construction shall be \$0.80 per \$1,000 of value of construction.

1. No fee shall be collected for preengineered systems of commercial farm buildings.

2. No fee shall be collected for permits to perform asbestos abatement or lead abatement.

3. No fee shall be collected for permits for the construction or rehabilitation of residential units that are to be legally restricted to occupancy by households of low or moderate income, as defined in N.J.A.C. 5:23-1.5.

4. No fee shall be collected for demolition of buildings or structures.

#### (c) Remitting and reporting:

1. The municipality shall remit fees to the Bureau on a quarterly basis, in conjunction with report number R-840B State Training Fee Report in accordance with N.J.A.C. 5:23-4.5(e). Fees remitted shall be for the quarter. Checks shall be made payable to "Treasurer, State of New Jersey."

Amended by R.1982 d.220, effective July 19, 1982.

See: 14 N.J.R. 456(a), 14 N.J.R. 755(b).

In (c)3i deleted "state fiscal" and "third and fourth quarter" and added "quarters of the calendar" year. In (c)3ii deleted reporting on an annual basis and added quarterly report. Also added iii and (1). Prior to recodification of N.J.A.C. 5:23, this section was codified at 5:23-4.8(c).

Amended by R.1983 d.611, effective January 3, 1984.

See: 15 N.J.R. 1789(a), 16 N.J.R. 45(b).

In (c), deleted old 1.-3. and added new 1.

Emergency adoption, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

In (b): changed "will" to "shall" and changed "\$0.0006" to "\$0.0014" per cubic foot.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989.

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted without change.

Amended by R.1990 d.61, effective February 5, 1990.

See: 21 N.J.R. 3346(b), 22 N.J.R. 351(b).

At (c)1, monthly reporting and fee submissions changed to quarterly.

Amended by R.1991 d.181, effective April 1, 1991, operative July 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (b) increased fee amount from \$0.0014 to \$0.0016 per cubic foot.

Amended by R.1992 d.47, effective February 3, 1992.

See: 23 N.J.R. 3440(a), 24 N.J.R. 405(a).

Fees to be paid to Regulatory Affairs.

Amended by R.1992 d.392, effective October 5, 1992.

See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).

Fee amount amended at (b).

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).

Administrative Correction.

See: 28 N.J.R. 1981(b).

Amended by R.1997 d.303, effective July 21, 1997.

See: 29 N.J.R. 1437(b), 29 N.J.R. 3247(a).

Subdivided (b); in (b), deleted reference to preengineered systems of commercial farm buildings; and added (b)2.

Amended by R.2001 d.194, effective June 18, 2001.

See: 33 N.J.R. 1041(a), 33 N.J.R. 2097(a).

In (a), substituted "Division of Codes and Standards" for "Bureau of Regulatory Affairs"; in (b), added 3 and 4.

#### 5:23-4.20 Departmental fees

##### (a) General:

1. The fee for plan review, computed as a percentage of the fee for a construction permit, shall be paid at the time of application for a permit. The amount of this fee shall then be deducted from the amount of the fee due for a construction permit, when the permit is issued. Plan review fees are not refundable.

2. The fee to be charged for a construction permit will be the sum of the basic construction fee plus all applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.

3. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee.

4. Where the Department, pursuant to N.J.A.C. 5:23-4.24, is designated as the plan review agency, or when the Department has been requested to provide plan review services by a municipality pursuant to N.J.A.C. 5:23-4.24, or when the Department is designated as the local enforcing agency pursuant to N.J.A.C. 5:23-4.3, the following schedule of fees shall pertain.

5. The construction or rehabilitation of residential units that are to be legally restricted to occupancy by households of low or moderate income shall be exempted from the fees set forth in (b) and (c) below and otherwise payable to the Department.

(b) Departmental plan review fee: The fees listed in (c) below shall be in addition to a Departmental plan review surcharge in the amount of 40 percent of each listed fee. Where the Department performs plan review only, the plan review fee shall be in the amount of 25 percent of the new construction permit fee which would be charged by the Department pursuant to these rules.

(c) Departmental (enforcing agency) fees shall be as follows:

1. Plan review fee: The fee for plan review shall be 20 percent of the amount to be charged for a new construction permit, except that elevator device plan review shall be as in (c)6 and 7 below.

2. The basic construction permit fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and rating of electrical devices, the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates and/or the applicable flat fees as provided herein plus any special fees.

i. Building volume or cost: The fees for new construction or alteration are as follows:

(1) Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$0.027 per cubic foot of volume for buildings and structures of all use groups and types of construction as classified and defined in articles 3 and 4 of the building subcode; except that the fee shall be \$0.015 per cubic foot of volume for use groups A-1, A-2, A-3, A-4, A-5, F-1, F-2, S-1 and S-2, and the fee shall be \$0.0008 per cubic foot for structures on farms, including commercial farm building under N.J.A.C. 5:23-3.2(d), with the maximum fee for such structures on farms not to exceed \$1,145.

(2) Fees for renovations, alterations and repairs or site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connection for premanufactured construction shall be based upon the estimated cost of work. The fee shall be in the amount of \$24.00 per \$1,000. From \$50,001 to and including \$100,000, the additional fee shall be in the amount of \$18.00 per \$1,000 of estimated cost above \$50,000. Above \$100,000, the additional fee shall be in the amount of \$15.00 per \$1,000 of estimated cost above \$100,000. For the purpose of determining estimated cost, the applicant shall submit to the Department such cost data as may be available produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The Department shall make the final decision regarding estimated cost.

(3) Fees for additions shall be computed on the same basis as for new construction for the added portion.

(4) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with items (2) and (3) above.

(5) The fee for tents, in excess of 900 square feet or more than 30 feet in any dimension, shall be \$92.00.

(6) The fee for roofing and siding work completed on structure in use group R-3 and R-4 shall be \$46.00.

(7) The fee for an above-ground swimming pool shall be \$100.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$50.00. The fee for an in-ground swimming pool shall be \$150.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$75.00.

ii. Plumbing fixtures and equipment: The fees shall be as follows:

(1) The fee shall be in the amount of \$10.00 per fixture, piece of equipment or appliance connected to the plumbing system, and for each appliance connected to the gas piping or oil piping system, except as indicated in (c)2ii(2) below.

(2) The fee shall be \$65.00 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), active solar systems, sewer pumps and interceptors. There shall be no inspection fee charged for gas service entrances.

iii. Electrical fixtures and devices: The fee shall be as follows:

(1) For the first block consisting of one to 50 receptacles, fixtures or devices, the fee shall be \$36.00; for each additional block consisting of up to 25 receptacles, fixtures or devices, the fee shall be \$6.00. For the purpose of computing this fee, receptacles, fixtures or devices shall include lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm devices, smoke and heat detectors, communications outlets, light-standards eight feet or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated 20 amperes or less including motors or equipment rated less than one horsepower (hp) or one kilowatt (kw).

(2) For each motor or electrical device rated from one hp or one kw to 10 hp or 10 kw; for each transformer or generator rated from one kw or one kva to 10 kw or 10 kva; for each replacement of wiring involving one branch circuit or part thereof; for each storable pool or hydro massage bath tub; for each under-water lighting fixture; for household electric cooking equipment rated up to 16 kw; for each fire, security or burglar alarm control unit; for each receptacle rated from 30 amperes to 50 amperes; for each light-standard greater than eight feet in height including luminaries; and for each communications closet, the fee shall be \$10.00.

(3) For each motor or electrical device rated from greater than 10 hp or 10 kw to 50 hp or 50 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center, or disconnecting means rated 225 amperes or less; for each transformer or generator rated from greater than 10 kw or 10 kva to 45 kw or 45 kva; for each electric sign rated from greater than 20 amperes to 225 amperes including associated disconnecting means; for each receptacle rated greater than 50 amperes; and for each utility load management device, the fee shall be \$46.00.

(4) For each motor or electrical device rated from greater than 50 hp or 50 kw to 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center or disconnecting means rated from greater than 225 amperes to 1,000 amperes; and for each transformer or generator rated from greater than 45 kw or 45 kva to 112.5 kw or 112.5 kva, the fee shall be \$92.00.

(5) For each motor or electrical device rated greater than 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center or disconnecting means rated greater than 1,000 amperes; and for each transformer or generator rated greater than 112.5 kw or 112.5 kva, the fee shall be \$457.00.

(6) The fee charged for electrical work for each permanently installed private swimming pool as defined in the building subcode, spa, hot tub or fountain shall be a flat fee of \$46.00 which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panelboards and under-water lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with (c)2iii(1) through (5) above.

(7) The fee charged for the installation of single and multiple station smoke or heat detectors and fire, burglar or security alarm systems in any one or two-family dwelling shall be a flat fee of \$23.00 per

dwelling unit. For fire, burglar and security alarm systems and detectors in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (c)2iii(1) and (2) above.

(8) For installations consisting of multimeter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual loadside panel boards shall be charged in accordance with (c)2iii(3), (4) or (5) above. There shall be no additional fee charged for the concurrent installation of individual feeder conductors.

(9) For motors or similar devices requiring concurrent installation of individual controls, relays and switches, the fee shall be based only upon the rating of the motor or device. There shall be no additional fee charged for the concurrent installation of individual circuit components, for example, controllers, starters, and disconnecting means.

(10) For electrical work requiring replacement of service entrance conductors or feeder conductors only, the fee shall be in accordance with (c)2iii(2) through (5) above based on the designated ampere rating of the overcurrent device of the service or feeder.

(11) The fee charged for process equipment shall be based on the ampere rating of the overcurrent device protecting the conductor feeding the process equipment or the cutoff device.

(12) For the purpose of computing these fees, all electrical and communications devices, utilization equipment and motors which are part of premises wiring, except those which are portable plug-in type, shall be counted.

iv. For fire protection and hazardous equipment, sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums, the fee shall be as follows:

(1) The fee for 20 or fewer heads shall be \$65.00; for 21 to and including 100 heads, the fee shall be \$120.00; for 101 to and including 200 heads, the fee shall be \$229.00; for 201 to and including 400 heads, the fee shall be \$594.00; for 401 to and including 1,000 heads, the fee shall be \$822.00; for over 1,000 heads, the fee shall be \$1,050.

(2) The fee for one to 12 detectors shall be \$36.00; for each 25 detectors in addition to this, the fee shall be in the amount of \$12.00.

(3) The fee for each standpipe shall be \$229.00.

(4) The fee for each independent pre-engineered system shall be \$92.00.

(5) The fee for each gas or oil fired appliance that is not connected to the plumbing system shall be \$46.00.

(6) The fee for each kitchen exhaust system shall be \$46.00.

(7) The fee for each incinerator shall be \$365.00.

(8) The fee for each crematorium shall be \$365.00.

(9) For single and multiple station smoke or heat detectors and fire alarm systems in any one or two-family dwellings, there shall be a flat fee of \$23.00 per dwelling unit. For detectors and fire alarm systems in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (c)2iv(2) above.

3. Fees for certificates and other permits are as follows:

i. The fee for a demolition or removal permit shall be \$65.00 for a structure of less than 5,000 square feet in area and less than 30 feet in height, for one or two-family residences (use group R-3 or R-4 of the building code), and structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), and \$120.00 for all other use groups.

ii. The fee for a permit to construct a sign shall be in the amount of \$1.20 per square foot surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be \$46.00.

iii. The fee for a certificate of occupancy shall be \$28.00.

iv. The fee for a certificate of occupancy granted pursuant to a change of use group shall be \$120.00.

v. The fee for a certificate of continued occupancy issued under N.J.A.C. 5:23-2.23(c) shall be \$120.00.

vi. The fee for the first issuance and the renewal of a temporary certificate of occupancy shall be \$28.00.

(1) Exception: There shall be no fee for the first issuance of the temporary certificate of occupancy provided the certificate of occupancy fee is paid at that time.

(2) Exception: Where a written request for a temporary certificate of occupancy is made for reasons other than uncompleted work covered by the permit (such as uncompleted work required by prior approvals from state or municipal agencies), no renewal fee shall be charged.

vii. The fee for plan review of a building for compliance under the alternate systems and non-depletable energy source provisions of the energy subcode shall be \$274.00 for one and two-family homes (use group R-3 of the building subcode), and for light commercial structures having the indoor temperature controlled from a single point, and \$1,369.00 for all other structures.

viii. The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$594.00 for class I structures and \$120.00 for class II and class III structures. The fee for resubmission of an application for a variation shall be \$229.00 for class I structures and \$65.00 for class II and class III structures.

ix. The fee for a permit for lead hazard abatement work shall be \$140.00. The fee for a lead abatement clearance certificate shall be \$28.00.

4. For cross connections and backflow preventers that are subject to testing, requiring reinspection annually, the fee shall be \$46.00 for each device when they are tested.

5. Annual permit requirements are as follows:

i. The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility, and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building/fire protection, electrical and plumbing.

ii. Fees for annual permits shall be as follows:

(1) One to 25 workers (including foremen) \$667.00/worker; each additional worker over 25, \$232.00/worker.

(2) Prior to the issuance of the annual permit, a training registration fee of \$140.00 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by the applicant to the Department of Community Affairs, Bureau of Code Services, Education Unit along with a copy of the construction permit (Form F170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.

6. The fee for plan review for elevator devices in structures in Use Groups R-3, R-4 and for elevator devices wholly within dwelling units in R-2 structures shall be \$50.00 for each device.

7. The fee for plan review for elevator devices in structures in Use Groups other than R-3, R-4 and devices in R-2s exempted by (c)6 above shall be \$260.00 for each device.

8. The fees for elevator device inspections and tests shall be as set forth in N.J.A.C. 5:23-12.

9. The fee for a mechanical inspection in a Use Group R-3 or R-4 structure by a mechanical inspector shall be \$43.00 for the first device and \$10.00 for each additional device. No separate fee shall be charged for

gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

10. The fee for the annual electrical inspection of swimming pools, spas or hot tubs shall be \$36.00.

(d) The fee for an application by a manufacturer, distributor, owner or any other person for approval of any fixture, appurtenance, material or method, pursuant to N.J.A.C. 5:23-3.8, shall be an amount equal to the cost incurred, or to be incurred, by the Department for such tests as the Department may require, plus an administrative surcharge in the amount of 10 percent of such cost.

Amended by R.1982 d.402, effective November 15, 1982.

See: 14 N.J.R. 943(a), 14 N.J.R. 1300(b).

Text substantially amended. Department fees increased approximately 50 percent.

Amended by R.1982 d.463, effective January 3, 1983.

See: 14 N.J.R. 1129(a), 14 N.J.R. 1449(a).

Added (c)10, periodic reinspection fees.

Amended by R.1983 d.548, effective December 5, 1983.

See: 15 N.J.R. 1406(a), 15 N.J.R. 2033(b).

In (c)2., added "mechanical systems and equipment" and "the number of sprinklers and standpipes". Also added iv.-v.

Amended by R.1983 d.641, effective January 17, 1984.

See: 15 N.J.R. 1911(a), 16 N.J.R. 129(b).

Substantial changes in section.

Correction: 16 N.J.R. 2267(a).

Amended by R.1985 d.351, effective July 15, 1985.

See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

(c)11 and 12 added.

Amended by R.1986 d.213, effective June 16, 1986.

See: 17 N.J.R. 2490(a), 18 N.J.R. 1266(a).

Added text to (a)12 "Prior to the issuance of the annual permit" and "Bureau of Construction Code Enforcement".

Amended by R.1987 d.490, effective November 16, 1987.

See: 19 N.J.R. 1684(a), 19 N.J.R. 2134(a).

Fees raised.

Emergency amendment, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

Amended extensively based on an overall increase of approximately 30 percent in fees for code enforcement and planned real estate development, and an increase in the State training fee per cubic foot volume of new construction. Changed fee amounts throughout.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989.

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted with change.

Restructured section.

In (a): added new 5.

In (c): deleted (c)2i(5) regarding minor construction work fees.

In (c)2ii(2): added text to specify equipment fees and deleted (c)2ii(3) regarding fixtures.

In (c)2iii: deleted (3)-(5) and added new (3)-(6).

Deleted (c)3-6 regarding fees, and added (c)2iv, with new (3)-(7) on new fee structure.

Added (c)3 and 4 and renumbered (c)7-12 as (c)3-6ii.

Amended by R.1990 d.61, effective February 5, 1990.

See: 21 N.J.R. 3346(b), 22 N.J.R. 351(b).

Technical change of Form number in (c)6ii.

Amended by R.1991 d.181, effective April 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (b), plan review surcharge increased from 30 to 40 percent; plan review only increased from 20 to 25 percent; minimum fee increased from \$33.00 to \$43.00.

In (c)2, basic construction fee permit increased from \$33.00 to \$43.00.

In (c)2i(1), new construction fee increased from \$0.019 to \$0.025; for use groups A-1, A-2, A-3, A-4, F-1, F-2, S-1, S-2 increased from \$0.011 to \$0.014; farm structures increased from \$0.0005 to \$0.0007; maximum farm structures fee increased from \$815.00 to \$1,060.

In (c)2i(2), fees increased from \$17.00 to \$22.00; from \$13.00 to \$17.00 above \$50,000; from \$11.00 to \$14.00 above \$100,000.

In (c)2ii(1), fee increased from \$7.00 to \$9.00 per fixture.

In (c)2ii(2), fee increased from \$46.00 to \$60.00 per special device.

In (c)2iii(1), fee increased from \$25.00 to \$33.00 for one to 50 receptacles or fixtures; each 25 additional increased from \$4.00 to \$5.00.

In (c)2iii(2), fee increased from \$7.00 to \$9.00.

In (c)2iii(3), fee increased from \$33.00 to \$43.00.

In (c)2iii(4), fee increased from \$65.00 to \$85.00.

In (c)2iii(5), fee increased from \$325.00 to \$423.00.

In (c)2iv(1), fee increased from \$46.00 to \$60.00 for 20 or fewer heads; from \$85.00 to \$111.00 for 21 to 100 heads; from \$163.00 to \$212.00 for 101 to 200 heads; from \$423.00 to \$550.00 for 201 to 400 heads; from \$585.00 to \$761.00 for 401 to 1,000 heads; from \$748.00 to \$972.00 for over 1,000 heads.

In (c)2iv(2), fee increased from \$163.00 to \$212.00.

In (c)2iv(3), fee increased from \$65.00 to \$85.00.

In (c)2iv(4) and (5), fee increased from \$33.00 to \$43.00.

In (c)2iv(6) and (7), fee increased from \$260.00 to \$338.00.

In (c)4i, demolition and removal permit increased from \$46.00 to \$60.00 and for form structure removal from \$85.00 to \$111.00.

In (c)4ii, fee for permit to construct a sign increased from \$0.85 to \$1.11 per square foot; minimum fee increased from \$33.00 to \$43.00.

In (c)4iii, certificate of occupancy fee increased from \$85.00 to \$111.00; minimum fee for form structures increased from \$46.00 to \$60.00.

In (c)4iv, fee increased from \$124.00 to \$161.00.

In (c)4v, fee increased from \$85.00 to \$111.00.

In (c)4vii, fee increased from \$20.00 to \$26.00.

In (c)4viii, fees increased from \$195.00 to \$254.00 for one and two-family homes and from \$975.00 to \$41,268 for light commercial structures.

In (c)4ix, fees increased from \$423.00 to \$550.00 for class I structures and from \$85.00 to \$111.00 for class II and III structures. Resubmission of applications increased from \$163.00 to \$212.00 for class I structures and from \$46.00 to \$60.00 for class II and III structures.

In (c)5iii, fees increased from \$33.00 to \$43.00 for thrice annual testing and from \$85.00 to \$111.00 for annual testing.

In (c)6ii(1), fees increased from \$475.00 to \$618.00 for one to 25 workers and from \$165.00 to \$215.00 per worker over 25.

In (c)6ii(2), fee increased from \$100.00 to \$130.00.

Amended by R.1991 d.325, effective July 1, 1991.

See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Departmental fees set at (c).

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

Notice of correction, effective May 18, 1992.

See: 24 N.J.R. 1879(b).

Amended by R.1992 d.230, effective June 1, 1992.

See: 24 N.J.R. 168(a), 24 N.J.R. 2052(a).

Form numbers changed in (c).

Amended by R.1992 d.313, effective August 3, 1992.

See: 24 N.J.R. 1846(a), 24 N.J.R. 2712(b).

No inspection fee for gas service entrances.

Amended by R.1992 d.390, effective October 5, 1992.

See: 24 N.J.R. 1844(a), 24 N.J.R. 3515(b).

Fee for indirect apportionment systems set at (d).

Amended by R.1992 d.392, effective October 5, 1992.

See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).

Fees increased throughout.

Amended by R.1993 d.187, effective May 3, 1993.

See: 25 N.J.R. 624(a), 25 N.J.R. 1875(a).

Added (c)9.

Amended by R.1994 d.28, effective January 18, 1994.

See: 25 N.J.R. 4546(b), 26 N.J.R. 352(a).

Administrative Correction.

See: 26 N.J.R. 796(a).

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Amended by R.1994 d.323, effective July 5, 1994 (operative January 1, 1995).

See: 25 N.J.R. 2162(a), 26 N.J.R. 2780(a).

Amended by R.1994 d.434, effective September 6, 1994 (operative January 1, 1995).

See: 26 N.J.R. 1911(a), 26 N.J.R. 3706(b).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), 27 N.J.R. 2715(a).

Amended by R.1995 d.475, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1716(a), 27 N.J.R. 3325(a).

In (c)5ii(2) added individuals to be trained and registered.

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), 27 N.J.R. 3325(b).

Eliminated minimum fee in (b) and rewrote (c).

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(a).

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

Amended by R.1998 d.35, effective January 5, 1998.

See: 29 N.J.R. 4215(a), 30 N.J.R. 194(a).

In (c)2.i.(1), added A-5 structures to the fee schedule.

Amended by R.2000 d.47, effective February 7, 2000.

See: 31 N.J.R. 2314(a), 32 N.J.R. 443(a).

Rewrote (c).

Amended by R.2000 d.166, effective April 17, 2000.

See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

In (c)3i, inserted a reference to group R-4.

Amended by R.2001 d.194, effective June 18, 2001.

See: 33 N.J.R. 1041(a), 33 N.J.R. 2097(a).

In (a)5, substituted "The construction or rehabilitation of" for "Newly constructed".

Amended by R.2001 d.347, effective October 1, 2001.

See: 32 N.J.R. 3218(a), 33 N.J.R. 3430(a).

In (c)3, inserted new vi, and recodified former vi through viii as vii through ix.

Amended by R.2002 d.6, effective January 7, 2002.

See: 33 N.J.R. 2570(a), 33 N.J.R. 3883(a), 34 N.J.R. 268(a).

In (c)5ii(2), substituted "Education Unit" for "Training Section".

#### 5:23-4.21 Private enforcing agency authorization and reauthorization fees

(a) Authorization fee: Any onsite inspection agency submitting an application to the Department under N.J.A.C. 5:23-4.12 for approval as an inspection agency shall pay a fee of \$2,800 for each subcode for which authorization is sought.

(b) Reauthorization fee: Any onsite inspection agency submitting an application to the Department under N.J.A.C. 5:23-4.12 for reapproval as an inspection agency shall pay a fee of \$1,400 for each subcode for which authorization is sought plus an amount equal to five percent of the gross revenue earned from State Uniform Construction Code enforcement activities during the previous 12-month period. This fee shall be paid to the Department in 12 equal installments, beginning with the month immediately following the end of the 12 month period from which the fee is calculated. Payment shall be made prior to the last business day of each month.

**5:23-12.8 Alterations, replacements, damages, increases in size, changes in use group, minor work, ordinary repairs**

(a) In complying with this chapter, calculations concerning alterations, replacements, damages, increases in size and changes in use group, in N.J.A.C. 5:23-2, shall be performed using data for entire structures. The alteration provisions applicable to the whole structure and/or calculations in N.J.A.C. 5:23-2 shall not be applied to individual elevator devices.

(b) For purposes of this subchapter, alteration of an elevator device means any change to equipment other than minor work and ordinary repair, as defined in N.J.A.C. 5:23-2.17A and 5:23-9.3. When work that includes the alteration of an elevator device has a total cost of less than 50 percent of the physical value of the building, the alteration of the elevator device shall comply only with the applicable requirements of Part XII (Alterations, Repairs, Replacements and Maintenance) of the most recent edition of ASME A17.1 referenced in the building subcode.

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).  
See: 27 N.J.R. 2829(a), 27 N.J.R. 4281(b).

**5:23-12.9 Certificate of compliance requirements**

(a) A device shall be granted a certificate of compliance by the construction official for the time period specified based upon N.J.A.C. 5:23-12.3. No device shall be operated unless a valid certificate of compliance has been issued except for the initial period after work under a permit has been completed as per (f) below. Any violation shall be corrected before a new certificate of compliance may be issued.

(b) A temporary certificate of compliance may be issued by the construction official for a device in order to keep the device in operation on which work, as a result of violations, is being diligently performed, if the elevator subcode official finds that no hazard to the public is thereby created. A temporary certificate of compliance may be issued for no longer than 180 days, even if the device is inspected on an annual basis.

(c) The elevator subcode official shall provide written notice to the construction official whenever a temporary certificate of compliance or certificate of compliance is granted by the construction official.

(d) No certificate of compliance shall be issued for any elevator device in use on or before July 1, 1992 that is subject to these rules and is not registered with the Department in accordance with N.J.A.C. 5:23-12.4, except elevator devices in structures classified as Use Group R-3 and R-4 shall be exempt from registration. Elevator devices wholly within R-2 residences, not accessible to the general public shall also be exempt.

(e) No certificate of compliance or temporary certificate of compliance shall be issued for any elevator device, as required by this section, which has been approved to operate during the initial period, after a permit, in accordance with (f) below if the device has not been registered pursuant to this subchapter by its first routine inspection, even if a certificate of occupancy, temporary certificate of occupancy or certificate of approval has been issued.

(f) Except as otherwise provided in (e) above, a new device or an existing device which has had work done under a permit shall be issued a certificate of compliance upon the first cyclical inspection based on the following:

1. A device has been approved following the inspection and witnessing of an acceptance test, as required by N.J.A.C. 5:23-12.2, by the application of an Inspection Sticker Approval for Elevator and a recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of occupancy or approval, as the case may be.

i. The date of the approval shall begin the cycle of inspections and tests for new devices in a new building and for new devices in an existing building which did not have elevator devices previously.

ii. The date of the approval of an existing device in an existing building shall not change the device's existing cycle of inspections and tests. The cycle shall remain consistent with the inspection cycle in the building, except the device shall not be subject to the five year test before it is due as long as the acceptance test performed under the permit was a full five year test.

2. A device has been approved following the inspection process, as required for minor work by N.J.A.C. 5:23-2.17A(d)2 and 12.2, by the application of an Inspection Sticker Approval for Elevator and a recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of approval.

i. The device may operate under the approval given under the permit until the next cyclical inspection, as determined by the inspection cycle of the building, and then shall be subject to a routine or periodic inspection the same as all other elevator devices in the building.

New Rule, R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), 27 N.J.R. 3325(b).

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: 27 N.J.R. 2829(a), 27 N.J.R. 4281(b).

Amended by R.1996 d.512, effective November 4, 1996.

See: 28 N.J.R. 3697(a), 28 N.J.R. 4782(a).

**5:23-12.10 Inspections in seasonal facilities**

(a) For purposes of this subchapter, a "seasonal facility" is defined as a building that is open, and available for use by members of the public, employees or maintenance personnel or any occupants, for a period of not more than 184

consecutive days and is then closed and not available for such use for at least 181 consecutive days.

(b) Elevator devices in seasonal facilities shall be subject only to the applicable periodic inspections and tests (one, three and five year). Such inspections and tests shall be performed prior to the building being used by employees, maintenance personnel, members of the public or occupants. A certificate of compliance or temporary certificate of compliance shall be granted only for the time period during which the device is allowed to operate in the seasonal facility.

1. The fees for performing such inspections and witnessing tests shall be in accordance with such provisions of N.J.A.C. 5:23-12.6 as may be applicable.

(c) An owner of a building with one or more elevator devices may obtain classification of the building as a "seasonal facility" from the local enforcing agency. A request for such classification shall contain the information in (d) below and shall be signed by the owner.

(d) An application for classification of a building as a seasonal facility shall include the following information:

1. The owner's name and address, the building address, the registration number, the device identification number(s), and the date of the last inspection;

2. That the total number of consecutive calendar days per year when the building is in use by the public, employees, maintenance personnel or occupants does not exceed 184 days and that the building is then closed for such use for at least 181 consecutive calendar days;

3. That the elevator devices in the building are not accessible to members of the public, employees, maintenance personnel or building occupants during the time in which the building is closed; and

4. That the disconnects located in elevator device machine rooms and machinery spaces are, during the time in which the building is closed, in the "off" position and locked; and that the access to the keys is secured.

(e) The seasonal facility classification shall become invalid when the conditions of the classification are no longer met. The owner shall immediately notify the enforcing agency of any change in the conditions upon which the approval of classification as a seasonal facility was based.

1. Classification of a building as a seasonal facility shall not be renewed if the classification became invalid as a result of a violation of any conditions of the approval of the classification.

(f) During the period of time in which any device in seasonal facility is in operation, it shall be subject to all applicable code requirements in the same manner as any other device subject to this subchapter.

New Rule, R.1996 d.323, effective July 15, 1996 (operative January 1, 1997).

See: 28 N.J.R. 2112(a), 28 N.J.R. 3549(a).

### 5:23-12.11 Notice concerning accidents

(a) The construction official shall notify the Department about those accidents involving elevator devices (reported to the enforcing agency as required by the building subcode) that involve either death or personal injury requiring medical treatment by a physician other than first aid or damage to the elevator device that was either a result or cause of the accident and which affects the future safe operation of the device. For purposes of this section, "first aid" means the one time treatment or observation of scratches, cuts not requiring stitches, burns, splinters or contusions, or a diagnostic procedure, including examination and x-rays, which does not indicate any need for further medical treatment. First aid may be performed by licensed medical personnel or by other persons.

1. The construction official shall notify the Elevator Safety Unit about any accident within five working days after the accident is reported to the enforcing agency, except that accidents involving devices under the Department's jurisdiction shall be reported as soon as possible, but not later than the end of the next business day after an accident is reported to the construction official.

2. Within five working days after an accident involving a device not under the Department's jurisdiction is reported to the enforcing agency, a copy of the Accident/Incident Report form and all attachments, as indicated in the form, shall be forwarded to the Elevator Safety Unit by the construction official.

3. When a special inspection is performed by a person other than the Elevator Safety Unit subcode official, a copy of the Inspection Report shall be forwarded to the Elevator Safety Unit within five working days after the date of the special inspection.

New Rule, R.1997 d.64, effective February 18, 1997 (operative May 19, 1997).

See: 28 N.J.R. 4695(a), 29 N.J.R. 550(a).

### 5:23-12.12 Special safety equipment

(a) On all existing elevators, a space between the elevator hoistway door and the car door or gate shall comply with the requirements of Rule 204.4e of ASME A17.1-1990. Where the space exceeds the maximum distance, a space guard shall be installed to minimize the gap. Sight guards shall be installed along with the space guards on horizontally sliding type hoistway doors.

1. Freight elevators that are equipped with horizontally swinging doors, are not accessible to the general public, and are located in factories, warehouses, garages, or similar buildings shall not be required to comply.

(b) Installation of space and sight guards shall comply with all applicable requirements of ASME A17.3-1993 and shall be considered minor work with the meaning of N.J.A.C. 5:23-2.17A.

(c) By July 21, 1998, and except as otherwise provided in (a)1 above, all existing elevators shall be required to comply with the requirements of this section.

New Rule, R.1997 d.305, effective July 21, 1997.  
See: 29 N.J.R. 2205(a), 29 N.J.R. 3249(a).

## SUBCHAPTER 12A. OPTIONAL ELEVATOR INSPECTION PROGRAM

### Authority

N.J.S.A. 52:27D-124 and 126f.

### Source and Effective Date

R.1998 d.480, effective September 21, 1998.  
See: 30 N.J.R. 1119(b), 30 N.J.R. 3461(a).

### 5:23-12A.1 Title; scope; intent

(a) This subchapter of the rules, adopted pursuant to the authority of the Uniform Construction Code Act, as supplemented by P.L. 1997, c.336, is entitled "Optional Elevator Inspection Program" and shall be known and cited throughout this chapter as N.J.A.C. 5:23-12A. When referred to in this subchapter, it may be cited as "this subchapter."

(b) Unless otherwise specifically provided, all references to paragraphs, sections, or to provisions not specifically identified, shall be construed to refer to such paragraph or section or provision of this subchapter.

(c) This subchapter shall control all matters relating to the administration of the registration of qualified elevator device inspection firms, hereinafter referred to as "qualified firms," qualified elevator device inspectors and the elevator devices enrolled in this optional program, as defined in (d) below.

(d) For purposes of this subchapter, "elevator" or "elevator device" means a hoisting and lowering device equipped with a car or platform which moves in guides for the transportation of individuals or freight in a substantially vertical direction through successive floors or levels of a building or structure. The term shall include, without limitation, elevators, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts and any device within the scope of ASME A17.1 (Safety Code for Elevators and Escalators) or ASME A90.1 (Safety Standard for Belt Manlifts), except escalators and moving walks.

1. This definition shall not apply to any conveyor devices that are process equipment.

### 5:23-12A.2 Qualified elevator device inspection firms

(a) Any sole proprietorship, partnership, association or corporation that is engaged in the business of maintaining, inspecting and testing elevator devices, has at all times, as a bona fide employee, at least one qualified elevator device inspector, and carries general liability insurance in at least the amount of \$4,000,000 for each person and each occurrence to satisfy claims or judgments for property damage and/or personal injury may apply for registration with the Department as a qualified firm.

1. The application shall contain information relating to the financial integrity of the firm, as evidenced by a reviewed financial statement prepared by an independent certified public accountant.

2. The application shall contain the names and addresses and home phone numbers of all persons who hold at least a ten percent interest in the qualified firm and/or are corporate officers.

3. Each applicant for registration as a qualified firm shall disclose in the application any subsidiary or parent relationship with any other qualified firm or other entity regulated by the State Uniform Construction Code and shall further disclose all interests of any officer, partner, or stockholder of the firm in any other qualified firm or other entity regulated by the State Uniform Construction Code.

4. Each application shall include a sample form of the contract of full service needs to be used for the purposes of this subchapter.

(b) Upon receipt of a completed application on a form prescribed by the Department, including the information in (a) above and a nonrefundable fee of \$250.00, the Department shall issue a certificate of registration, unless the application is denied in accordance with (c) below.

1. The certificate of registration shall remain valid, unless revoked in accordance with (c) below, for two consecutive years following the date of registration; provided, however, that the certificate of registration shall become inactive for any period of time during which the firm ceases to engage in the business of maintaining, inspecting and testing elevator devices or ceases to employ at least one qualified elevator device inspector. It shall be the responsibility of the qualified firm to inform the Department within 30 days of any changes to the status of the qualified firm during the two-year registration period. It shall be the responsibility of the firm to reapply for registration at least two months prior to the renewal date to make current the information contained in the original application by submission of a completed reapplication form, as prescribed by the Commissioner.

(c) A certificate of registration may be denied or revoked if the Department determines that the firm, or any person holding an ownership interest in the firm or otherwise authorized to represent the firm, has at any time:

1. Willfully made a misstatement of material fact in an application for issuance or renewal of a registration certificate;
2. Willfully committed fraud in connection with the maintenance, inspection or testing of any elevator device;
3. Maintained, inspected or tested any elevator device in a grossly negligent manner;
4. Failed to ensure that the qualified elevator device inspectors that it employs perform their duties in accordance with the requirements of this subchapter;
5. Habitually failed to ensure the timely submission of the elevator device certification in accordance with the requirements of this subchapter;
6. Willfully violated the requirements of the State Uniform Construction Code to any substantial degree; or
7. Failed to report an accident or equipment failure as required by the building subcode and N.J.A.C. 5:23-12.11.

### 5:23-12A.3 Qualified elevator device inspector

(a) A candidate for certification as a qualified elevator device inspector for the inspection and testing of elevator devices enrolled under this subchapter shall pay a nonrefundable fee of \$65.00 and shall meet the following competence and experience requirements:

1. Seven years of experience consisting of one or a combination of the following:
  - i. Experience in construction, design, or supervision as a journeyman in a skilled trade currently regulated by the elevator subcode;
  - ii. Experience as an elevator inspector; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the elevator subcode; and
2. Demonstration of competence by successful completion of one of the following:
  - i. Successful completion of the examination module 6B-Elevator General of the National Certification Program for Construction Code Inspectors administered by the Chauncy Group, a subsidiary of the Educational Testing Service for the Department; or
  - ii. Possession of a current Qualified Elevator Inspector (QEI) certificate issued pursuant to ASME QEI-1-1993.

(b) The certificate shall be renewed every three years upon the submission of a renewal application, payment of a renewal fee of \$65.00 and submission of documentation of continuing education as follows:

1. Documentation of having completed 1.5 Continuing Education Units (CEUs) in a related technical subject area, as approved by the Bureau of Code Services, within the three-year period preceding the date of application. One CEU equals 10 contact hours;
2. Annual submission of a current QEI certificate; or

3. Submission of equivalent certification approved by the Bureau of Code Services.

(c) A qualified elevator device inspector, when employed by a qualified elevator device inspection firm, shall perform, and certify by signature, the inspection and tests required by this subchapter. The qualified inspector shall not inspect his or her own work; however, the qualified elevator device inspector may perform work as required under the contract of full service needs on the device he or she is inspecting at the time of the inspection and test, provided that work does not require more than one person. The maintenance and repair of a contracted device that is required at any other time under a contract of full service needs shall be performed by another individual, and not by the certifying inspector.

(d) The Department may revoke a certificate, suspend a certificate for not more than one year, and/or assess a civil penalty of not more than \$500.00 for each violation, if the Department determines that a qualified inspector:

1. Has violated any provision of the State Uniform Construction Code;
2. Has obtained a certificate by fraud or misrepresentation;
3. Has been grossly negligent or has engaged in misconduct in the performance of his or her duties pursuant to this subchapter;
4. Has failed, over a period of time, to maintain a minimally acceptable level of competence;
5. Has failed to comply with any order issued by the Department;
6. Has made a false or misleading written statement, or has made a material omission, in any submission to the Department; or
7. Has engaged in any conduct which demonstrates incompetency or dishonesty.

(e) An individual possessing an elevator inspector HHS license issued pursuant to N.J.A.C. 5:23-5.19 may apply for the qualified elevator device inspector certificate by completing an application and paying a fee of \$65.00. This certificate shall be a rider to the elevator inspector HHS license and shall be renewed separately from all other licenses.

1. Any violation notice issued to a licensee pursuant to this subchapter shall not be deemed to be an action taken with regard to the elevator inspector HHS license. Any such notice shall only be subject to review by a review committee under N.J.A.C. 5:23-5.23(d) if the Department indicates that it also intends to take action regarding the licensee's elevator inspector HHS license on the basis of the same set of facts.

**5:23-12A.4 Enrollment of devices**

(a) Elevator devices, as defined by this subchapter, can be enrolled in this optional program by the owner or the owner's agent. To be eligible for enrollment, an elevator device shall be subject to the cyclical inspections and witnessing of tests, as defined by this subchapter, by the qualified elevator device maintenance, inspection and testing firm under a contract of full service needs with the owner of the elevator.

1. For purposes of this subchapter, a contract of full service needs is a contract which stipulates that:

i. The scope of the applicable inspections and tests shall be in accordance with the most recent edition of ASME A17.1 or A90.1 referenced in the building subcode and the frequency of the inspections and tests, as well as the inspection/testing procedures, shall be in accordance with N.J.A.C. 5:23-12;

ii. The registered firm shall issue a certification that the inspection and tests have been performed and the signed report on the results shall be issued to the owner and to all other parties to whom the report is required to be sent; and

iii. The performance of the repairs necessary to ensure compliance of inspected/tested equipment with the requirements of applicable ASME A17.1 or A90.1 is required.

(b) To allow for the construction official to make necessary changes in official records regarding the elevator devices inspected/tested by the qualified firm, the devices shall be placed under or removed from this optional program by the owner or the owners agent not later than two months prior to the cyclical inspection/test, as required by the building's inspection cycle established, pursuant to N.J.A.C. 5:23-12.3(a)4, by the enforcing agency having jurisdiction. This application for enrollment shall be on a form prescribed by the Department. The Department shall be notified by the owner of any changes made with regard to services being provided by the qualified firm not later than two months prior to the date of the cyclical inspection.

1. In addition to forwarding lists of the registered buildings and devices to the construction official quarterly, the Department shall issue update letters to the owners of devices placed under or removed from the optional program, and shall send copies of these letters to the construction official.

(c) As a result of an applicable inspection and test, the qualified firm shall issue a device certification to the Bureau of Code Services, so as to ensure that the required inspection and tests are performed and that the device is being maintained as required by this subchapter.

1. Within 20 working days from the date when each cyclical inspection/test was performed, the qualified firm shall:

i. File a certification with the Department for each device on a form prescribed by the Department, at the same time providing the owner with a copy of such certification; and

ii. Report to the owner, on a form prescribed by the Department, the results of the performed inspection/test.

2. A certification filed with the Department by a qualified firm shall include:

i. A statement that the elevator device was inspected and tested by the qualified firm according to the most recent addition of ASME A17.1 or A90.1 referenced in the building subcode and was found to be in conformance with the requirements of the code(s) under which the device was installed or altered;

ii. The building's cycle and registration number;

iii. The date and the type of the applicable inspection or inspection/test performed;

iv. The expiration date of the certification; and

v. The name, signature and the certification number of the qualified inspector.

3. The certification shall be accompanied by a filing fee in the amount of \$30.00.

(d) In addition to any other remedies provided for by these rules, a penalty in the amount of \$100.00 shall be assessed whenever a certificate required by this section is not filed with the Bureau of Code Services within 45 days of the due date as described in (c) above. This penalty shall be issued against the qualified firm with a information copy to the owner. Additional penalties shall be assessed in the event of further delay in filing. All violations of this filing requirement by a qualified firm shall be made a part of the qualified firm's file and reviewed at the time of renewal application, along with all other aspects of the qualified firm's performance pursuant to this subchapter.

**5:23-12A.5 Permit process and monitoring**

(a) All construction permit-related enforcement processes, inspection and witnessing of the "five year" tests of traction and roped hydraulic elevators, and inspection and witnessing of applicable tests at the "five-year" intervals of all other types of elevator devices enrolled in the optional program, shall be performed by the enforcing agency having jurisdiction pursuant to N.J.A.C. 5:23-4.3(a)3. The Department shall define cyclical inspections/tests at the time when those will be assigned to the enforcing agencies.

1. The Department shall notify the local jurisdiction at least two months prior to the inspections and witnessing of tests required to be done by the local jurisdiction.

2. Fees for permit-related enforcement shall be as required by the Uniform Construction Code. The fee for the required cyclical inspection and test performed/witnessed by the local jurisdiction, in the amount of \$150.00, shall be reimbursed by the Department and such fee shall be payable to a local enforcing agency only upon the Department's receipt of the inspection report. The inspection report shall be forwarded to the owner and the Department within 20 working days from the date when the inspection/test was performed.

(b) Notwithstanding the inspections and witnessing of tests performed by the local jurisdiction, the Bureau of Code Services shall have sole authority to monitor the performance of qualified firms and qualified elevator device inspectors.

(c) The Bureau shall develop and implement a performance-based monitoring program to assess the conditions impacting on the devices enrolled in this optional program and shall report as required by law.

**5:23-12A.6 Special inspection and compliance procedures**

(a) If, upon inspection or test, a qualified elevator device inspector who is employed by a qualified firm shall find that an elevator device is in a dangerous condition, or if there is an immediate hazard to persons riding on or using any such device, the qualified elevator device inspector, on behalf of the qualified firm, shall immediately prohibit any further use of such device and shall give written notice of this action and of the condition to the owner, the enforcing agency having jurisdiction and the Bureau of Code Services, and shall take such other steps as may be necessary to protect the public. Once the device is placed out of operation, it shall remain out of operation until such time as the qualified elevator device inspector shall issue a certification, on behalf of the qualified firm, indicating that the dangerous condition or immediate hazard has been removed or corrected and that the elevator device is safe for public use. Such a certification shall be forwarded to the enforcing agency having jurisdiction, the Bureau of Code Services and the owner before the device may be placed back in operation.

1. If, upon inspection or test, deficiencies beyond the scope of this subchapter are observed, the qualified elevator device inspector shall issue a report on such findings to the owner and shall forward a copy to the construction official and the Bureau of Code Services.

(b) If the enforcing agency having jurisdiction shall determine, at any time, in response to a complaint or otherwise, that an elevator device is in a dangerous condition or that there is an immediate hazard to persons riding on or using that device, the enforcing agency shall prohibit any further use of the elevator device until the condition is corrected, and shall require the owner of the elevator device to make such repairs as may be necessary, or take other corrective action, within such time as the enforcing agency may prescribe. The enforcing agency may charge a fee not exceeding \$100.00 for each such inspection or reinspection.