

Construction Code Communicator



State of New Jersey
Jon S. Corzine, Governor
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Department of Community Affairs
Charles A. Richman, Acting Commissioner
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Liquefied Petroleum Gas Regulations Available

The Uniform Construction Code (UCC) enforcement agency and the Department of Community Affairs (which uses the Liquefied Petroleum Gas Regulations, N.J.A.C. 5:18) have joint responsibility for the inspection of Liquefied Petroleum Gas (LPG) systems. The UCC enforcement agency covers vapor systems 2000 gallons and under, while the Department is responsible for liquid withdrawal systems (primarily systems used to fill barbecue cylinders) and for vapor systems over 2000 gallons. The bulk of the technical requirements is the same because both sets of rules are based on National Fire Protection Association Standard 58. However, N.J.A.C. 5:18 also contains requirements for marking tanks and cylinders, provisions for licensing LPG marketers, and rules that restrict marketers from removing each other's tanks. For further explanation, please consult Bulletin No. 04-1, Liquefied Petroleum Gas Inspections.

Anyone interested may receive a copy of the regulations by writing to the following address:

Liquefied Petroleum Gas Safety Unit
Post Office Box 816
Trenton, New Jersey 08625-0816
Attention: Melinda Fields

Barrier-Free Electrical Items in Multifamily Dwellings

What items in the Electrical Subcode also have Barrier Free Subcode requirements in buildings of four or more dwelling units? For reference, see Section 1002.9, Operable Parts, of the International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2003. This section references Section 309, Operable Parts, which in turn references Section 308, Reach Ranges.

Section 1002.9 of ANSI/2003, as amended by N.J.A.C. 5:23-7.2(b)23, states that lighting controls, electrical switches and receptacles, environmental controls, appliance controls, operating hardware for operable windows, plumbing fixture controls, and user controls for security or intercom systems shall comply with Section 309, with the following exceptions: 1) receptacle outlets serving a dedicated use; 2) (*exception deleted*); 3) floor receptacle outlets; 4) HVAC diffusers; 5) controls mounted on ceiling fans; and 6) where redundant controls other than light switches are provided for a single element, one control in each space shall not be required to be accessible.

Section 309.3 of ANSI/2003 states that the height of the operable part is required to be within one or more of the

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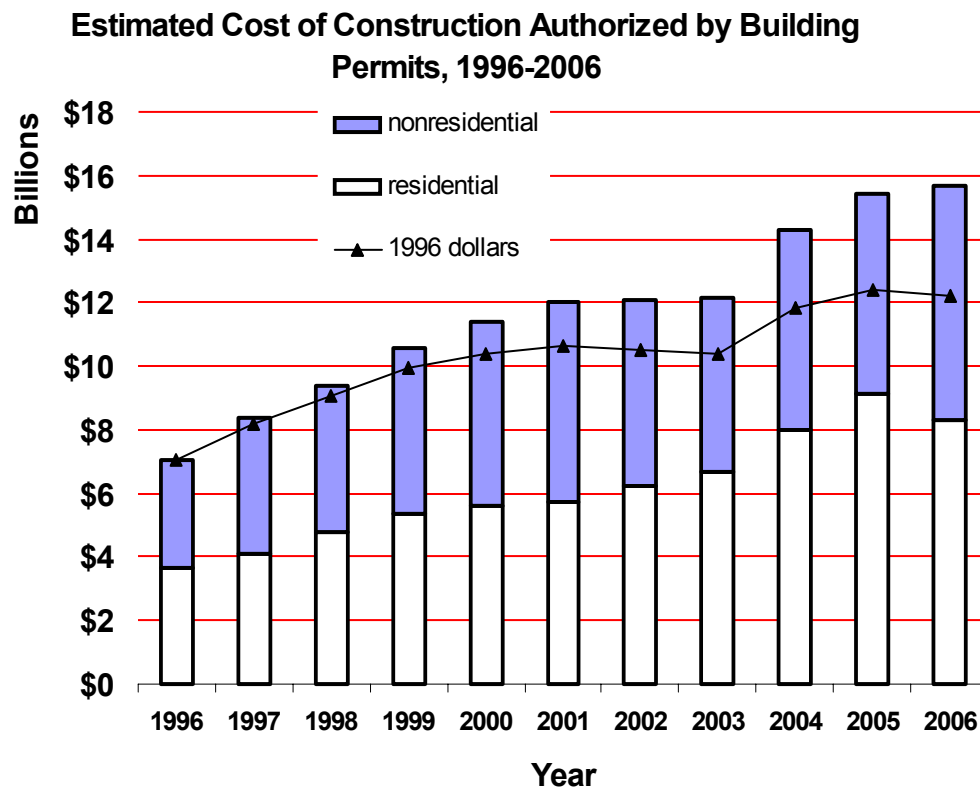
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2006 Highlights of the New Jersey Construction Reporter

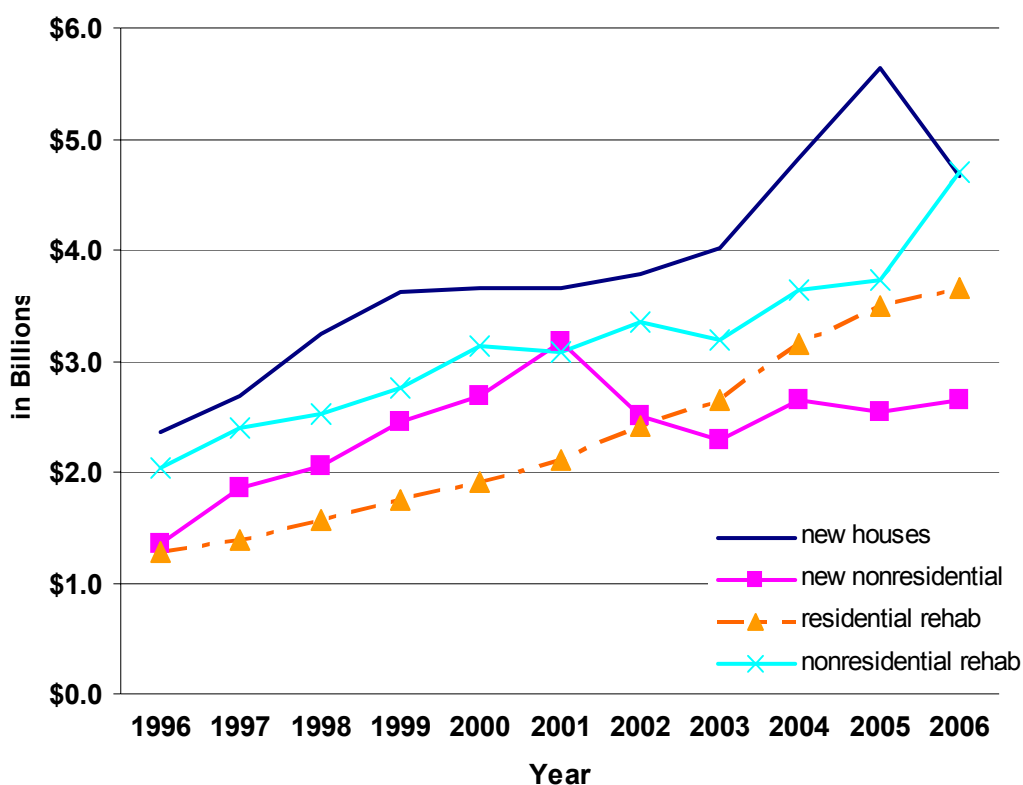
Below is a reprint of the Highlights article from the 2006 Annual issue of The New Jersey Construction Reporter, a publication of the New Jersey Department of Community Affairs that examines construction statistics derived from building permits and certificates issued throughout the State. The Reporter can be viewed online at <http://www.nj.gov/dca/codes/cr/conrep.shtml>. If you have any questions about the information in this report, contact John Lago at (609) 984-7609.

- Construction officials issued building permits for \$15.675 billion in 2006. This was \$277.6 million (1.8 percent) more than in 2005, which was a record high. In constant dollars, the amount of work in 2006 was 1.4 percent below 2005, based on an inflation rate of 3.2 percent.
- Residential construction was \$8.32 billion — 53.1 percent of all activity. Office, retail, and other nonresidential work totaled \$7.354 billion — 46.9 percent.



- While activity was about the same as in 2005, there was substantial change within the construction industry. Though still a major player, new home construction declined by nearly \$1 billion in 2006; this was 17.3 percent below the 2005 level. New commercial construction grew by \$110 million (4.3 percent) compared to 2005. Significant growth occurred in tenant fit-ups, and other additions and alterations to existing commercial buildings. Nonresidential additions and alterations increased by \$973.8 million, or 26.1 percent, compared to 2005. So, even though the dollar amount of all work was about the same in 2006, there were significant shifts in the types of construction.

Estimated Cost of Construction Authorized by Building Permits



- Authorized housing totaled 32,050 units; this was 7,638 dwellings less than in 2005, a decline of 19.2 percent.
- The amount of new office space was about the same as in 2005: 11.1 million square feet.
- New retail space declined by about 13.1 percent in 2006.

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New Jersey Construction Indicators				
	Estimated Construction Costs	Authorized Housing Units	Authorized Office Space (square feet)	Authorized Retail Space (square feet)
1996	\$7,028,424,990	27,577	6,229,515	4,880,139
1997	\$8,346,533,144	30,017	10,409,171	5,688,955
1998	\$9,396,755,517	35,676	12,703,824	7,921,892
1999	\$10,584,167,530	37,536	13,237,891	6,229,471
2000	\$11,387,683,514	38,065	15,531,039	6,063,412
2001	\$12,007,456,630	35,680	19,134,533	7,244,833
2002	\$12,079,942,099	34,589	9,261,054	7,560,913
2003	\$12,148,747,807	35,171	9,744,146	6,038,428
2004	\$14,274,331,850	39,254	12,219,068	4,911,257
2005	\$15,397,507,147	39,688	11,038,132	5,965,258
2006	\$15,675,107,955	32,050	11,113,555	5,186,662
Change between 2005 and 2006				
2005-2006	\$277,600,808	-7,638	75,423	-778,596
Percent Change	1.8%	-19.2%	0.7%	-13.1%
Source: N.J. Department of Community Affairs, 4/9/07				

- ♦ Northern New Jersey accounted for nearly \$7 billion of construction — 44.6 percent. A total of 14,346 dwellings were authorized in northern communities, 44.8 percent of the 32,050 dwellings statewide.
- ♦ Central New Jersey had nearly \$5 billion of construction (31.7 percent of all work) and accounted for 9,229 new dwellings — 28.8 percent of all the new homes authorized in the State. The central part of the State had 4.4 million square feet of new office space, or 39.3 percent of all new office space in 2006.
- ♦ Southern New Jersey had \$3.4 billion of construction (21.4 percent of all reported work). A total of 8,473 new houses were authorized — 26.4 percent of all new houses statewide. The southern part of the State had the most new retail space in 2006: 1.7 million square feet. In comparison, northern New Jersey had 1.1 million square feet.

Major Construction Indicators by Region				
Region	Estimated Cost of Construction	Authorized Housing Units	Authorized Office Space (square feet)	Authorized Retail Space (square feet)
North	\$6,988,637,770	14,346	4,303,558	1,128,090
Central	4,968,569,574	9,229	4,368,419	1,430,732
South	3,361,170,130	8,473	1,903,708	1,693,367
State Buildings	356,780,481	2	537,870	934,473*
New Jersey	\$15,675,107,955	32,050	11,113,555	5,186,662
Percent Distribution by Region				
North	44.6%	44.8%	38.7%	21.7%
Central	31.7%	28.8%	39.3%	27.6%
South	21.4%	26.4%	17.1%	32.6%
State Buildings	2.3%	0.006%	4.8%	18.0%
New Jersey	100.0%	100.0%	100.0%	100.0%
Source: N.J. Department of Community Affairs, 4/9/07				
Northern New Jersey: Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union, and Warren Counties				
Central New Jersey: Hunterdon, Mercer, Middlesex, Monmouth, Ocean, and Somerset Counties				
Southern New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties				
*Includes the Meadowlands Xanadu entertainment and sports complex in East Rutherford Borough, Bergen County.				

- ♦ For over five years, much of the construction in New Jersey cities was in the big cities. This trend continued in 2006. Atlantic City in Atlantic County led all localities with \$614.9 million. Three large casino expansions accounted for much of this work: Harrah's Bayview Tower (975,000 square feet); the Borgata Hotel Casino and Spa expansion (841,000 square feet); and the Trump Taj Mahal expansion (725,000 square feet).

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Trump Taj Mahal expansion in Atlantic City. Photographed by Robert Brock, Department of Community Affairs.



Harrah's expansion in Atlantic City. Photographed by Robert Brock, Department of Community Affairs.



Borgata expansion in Atlantic City. Photographed by Robert Brock, Department of Community Affairs.

- ♦ The City of Newark in Essex County had \$421.1 million of construction, ranking second among municipalities. New houses accounted for 40 percent of the work reported. Newark had 2,125 authorized houses in 2006. Only Jersey City in Hudson County had more. Big commercial developments during the year included a new sports arena and renovation of an existing office building on Raymond Boulevard.



Newark's new sports arena. Photographed by Ganga Sivakumar, Department of Labor and Workforce Development.

- ♦ Jersey City had \$370.2 million of work. More than 61 percent of all authorized work was either to build new dwellings or fix up existing ones. The City had 2,578 new houses authorized for construction in 2006, top among municipalities.

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Authorized Housing in Newark and Jersey City, 2001-2006					
Year	Newark		Jersey City		All New Jersey
	Authorized Units	Rank	Authorized Units	Rank	Authorized Units
2001	1,066	2	2,009	1	35,680
2002	1,223	1	907	2	34,589
2003	1,730	1	969	2	35,171
2004	1,702	2	2,156	1	39,254
2005	2,611	2	3,778	1	39,688
2006	2,125	2	2,578	1	31,709
Source: N.J. Department of Community Affairs, 4/9/07					

- For six years, Newark or Jersey City have ranked either first or second with the most new houses. Since 2001, New Jersey communities had a total of 216,432 authorized dwellings. Newark and Jersey City accounted for 22,854. Better than one in ten new houses were in these two cities.

Construction Indicators Top New Jersey Municipalities					
Municipality	County	Estimated Cost of Construction (dollars)	Authorized Housing Units	Authorized Office Space (square feet)	Authorized Retail Space (square feet)
Atlantic City	Atlantic	\$614,900,010	281	6,130	140,488
Newark City	Essex	421,116,901	2,125	102,215	9,241
Jersey City	Hudson	370,156,372	2,578	32,151	239,486
Woodbridge Township	Middlesex	226,944,804	48	11,965	28,160
Hoboken City	Hudson	225,012,224	995	27,480	0
Paramus Borough	Bergen	184,992,410	42	96,048	65,377
Camden City	Camden	161,339,497	270	105,000	1,525
Toms River Township	Ocean	155,546,121	254	230,770	14,800
West New York Town	Hudson	141,261,773	406	286	0
East Brunswick Township	Middlesex	137,340,651	23	0	0
Top Municipalities		2,638,610,763	7,022	612,045	499,077
New Jersey		\$15,675,107,955	32,050	11,113,555	5,186,662
Top as Percent of New Jersey		16.8%	21.9%	5.5%	9.6%
Source: N.J. Department of Community Affairs, 4/9/07					

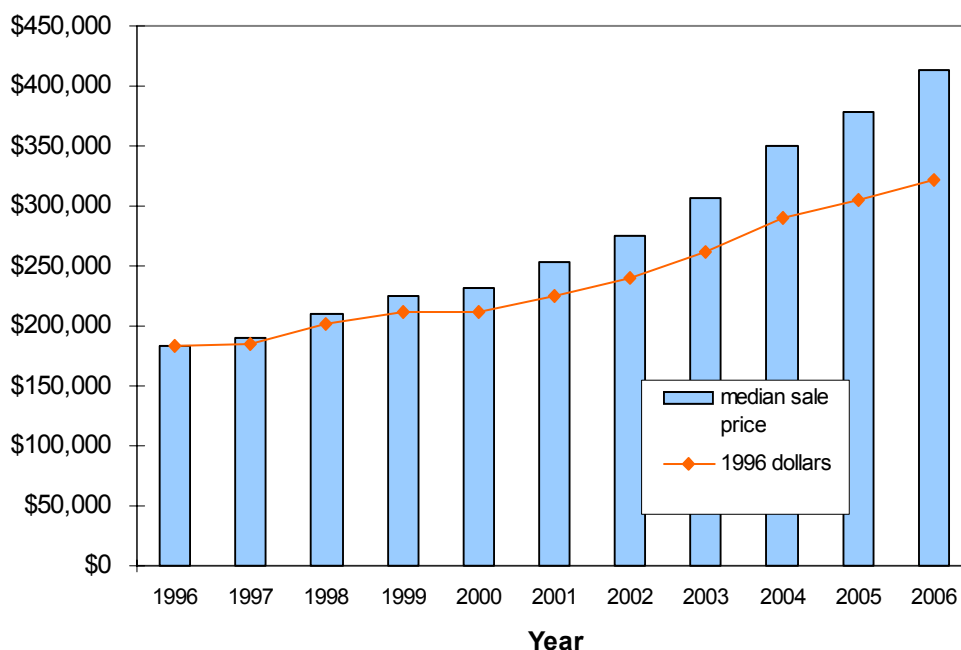
- Woodbridge Township in Middlesex County had \$226.9 million of construction. Most of this was for a regional wastewater treatment plant. Another large project reported this year was for an addition to a high school.
- The City of Hoboken in Hudson County had \$225 million of construction. Over 92¢ of every dollar of work was either to build new, or renovate existing, dwellings. Hoboken had 995 authorized dwellings in 2006, the third highest municipal total. One of the bigger housing developments this year was new condominiums on the site of the old Maxwell House Coffee factory.
- Paramus Borough in Bergen County had \$185 million of construction in 2006. Two major school expansions and additions to the Westfield Garden State Plaza shopping mall were among the larger projects reported.
- The City of Camden in Camden County had \$161.3 million of work in 2006 and much of this was for renovation of the Cooper University Hospital. Camden also had 270 new dwellings.
- The dollar amount of construction authorized for "State Buildings" was \$356.7 million. The category, State Buildings, refers to building permits issued on behalf of State government agencies or instrumentalities of the State like the New Jersey Economic Development Authority, New Jersey Transit, or State universities. Some of the larger State buildings reported in 2006 were renovation and expansion of the Liberty Science Center in Jersey City; new campus buildings at Montclair State University and Kean University; the Greystone Park Psychiatric Hospital in Parsippany-Troy Hills Township, Morris County; and the Preakness Healthcare Center in Wayne Township, Passaic County.

New House Prices			
Period	Number of New Houses	Median Sale Price	Percent Change in Sale Price
1996	20,903	\$183,300	
1997	21,640	\$190,000	3.7%
1998	23,884	\$209,980	10.5%
1999	24,479	\$224,496	6.9%
2000	25,058	\$231,728	3.2%
2001	23,372	\$253,670	9.5%
2002	23,647	\$274,705	8.3%
2003	22,226	\$307,168	11.8%
2004	23,844	\$349,900	13.9%
2005	24,571	\$378,992	8.3%
2006	22,697	\$413,825	9.2%
1 st Quarter 2005	5,205	\$367,900	
2 nd Quarter 2005	6,564	\$379,954	3.3%
3 rd Quarter 2005	6,207	\$378,554	-0.4%
4 th Quarter 2005	6,595	\$387,709	2.4%
1 st Quarter 2006	5,220	\$409,365	5.6%
2 nd Quarter 2006	6,319	\$425,000	3.8%
3 rd Quarter 2006	6,207	\$405,150	-4.7%
4 th Quarter 2006	6,595	\$413,500	2.1%
Source: N.J. Department of Community Affairs, 4/9/07			

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- New home prices rose by 9.2 percent between 2005 and 2006. Half of the 22,697 new houses that started enrollment in a new home warranty program in 2006 cost more than \$413,825. The most expensive new homes were in Hunterdon, Morris, and Bergen Counties.

Median Sale Price of a New NJ House



Lavatory Drain Pipe and Valve Protection Kits for Barrier-Free Compliance -- Are They

Required to be Rated?

Yes, these pipe insulation kits are required to be rated. We have all seen the coverings on the pipes and valves under the sinks for barrier-free compliance; these are the materials that I'm talking about. It came to my attention recently that there are materials being installed that don't meet the code or standard.

The insulation kits are required to meet the flame-spread index and smoke-development index of Section 719.7 of the Building Subcode. The material used for the protection of exposed pipes under sinks, such as supply pipes and drain pipes, must comply with Section 719. Sections 719.1 and 719.7 clearly specify that insulation and covering materials used for pipe and tubing must have a fire-spread index of not more than 25 and a smoke-development index of not more than 450. The section further states that any materials used must meet the

American Society for Testing and Materials E84 standard for flame-spread index or smoke-development index.

Source: Michael E. Whalen
Code Assistance Unit

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reach ranges specified in Section 308. The reach ranges are 15 inches minimum above the floor or ground in all cases, with all unobstructed high reach ranges at 48 inches maximum; obstructed high reach ranges are 44 inches maximum (forward reach) and 46 inches maximum (side reach).

Therefore, typical items of the Electrical Subcode such as light switches, receptacle outlets, and panelboards (topmost circuit) should be installed within the reach ranges listed above, as they are not adaptable features.

If you have any questions on this matter, please contact me at (609) 984-7609.

Source: Rob Austin
Code Assistance Unit

Code Assistance Welcomes Michael Whalen!

If you call the Code Assistance Unit with a fire protection question, you are likely to get an unfamiliar voice. That is because we have a new employee, Michael Whalen. Mike comes to us from the Township of South Brunswick, where he served as the Deputy Fire Marshal for over 15 years. Mike also has experience in fire protection, as he inspected and installed sprinkler systems in the private sector. He is currently licensed as a Construction Official, Subcode Official-Fire Protection, HHS Fire Protection Inspector, and Hotel and Multiple Dwelling Housing Code Official. He teaches Fire Official and Fire Inspector certification classes for several local community colleges.

Mike's broad-based experience will serve him well as he begins his career in the Code Assistance Unit.

Source: John Terry
Supervisor, Code Assistance Unit

Equipotential Bonding Grids -- All You Ever Needed to Know (Hopefully!)

As you know, the 2005 National Electrical Code (NEC) was adopted May 1, 2006 as the Electrical Subcode, N.J.A.C. 5:23-3.16. Since then, there has been much confusion about how to apply Section 680.26(C), Equipotential Bonding Grid, of the NEC/2005. The publishers of the NEC/2005, the National Fire Protection Association, realized this and published a Tentative Interim Amendment (TIA) to help clear things up; the adoption of the TIA by the Department of Community Affairs will be sometime this fall. However, there are still many questions, so further explanation is offered below.

The current text of Section 680.26(C) and (D) is below, with the TIA language in bold and underlined:

(C) **EQUIPOTENTIAL BONDING GRID.** The parts specified in 680.26(B) shall be connected to an equipotential bonding grid with a solid copper conductor, insulated, covered, or bare, not smaller than 8 AWG or rigid metal conduit of brass or other identified corrosion-resistant metal conduit. Connection shall be made by exothermic welding or by listed pressure connectors or clamps that are labeled as being suitable for the purpose and are of stainless steel, brass, copper, or copper alloy. The equipotential bonding grid shall **conform to the contours of the pool and shall extend within or** under paved walking surfaces for 1 m (3 ft.) horizontally beyond the inside walls of the pool and shall be permitted to be any of the following:

- (1) **STRUCTURAL REINFORCING STEEL.** The structural reinforcing steel of a concrete pool **or deck** where the reinforcing rods are bonded together by the usual steel tie wires or the equivalent. **Where deck reinforcing steel is not an integral part of the pool, the deck reinforcing steel shall be bonded to other parts of the bonding grid using a minimum 8 AWG solid copper conductor. Connection shall be per 680.26(D).**
- (2) **BOLTED OR WELDED METAL POOLS.** The wall of a bolted or welded metal pool.
- (3) **ALTERNATE MEANS.** This system shall be permitted to be constructed as specified in (a) through (c):
 - a. **MATERIALS AND CONNECTIONS.** The grid shall be constructed of minimum 8 AWG bare solid copper conductors. Conductors shall be bonded to each other at all points of crossing. Connections shall be made as required by 680.26(D).
 - b. **GRID STRUCTURE.** The equipotential bonding grid shall cover the contour of the pool and the pool deck extending 1 m (3 ft.) horizontally from the inside walls of the pool. The equipotential bonding grid shall be arranged in a 300 mm (12 in.) by 300 mm (12 in.) network of conductors in a uniformly spaced perpendicular grid pattern with a tolerance of 100 mm (4 in.).
 - c. **SECURING.** The below-grade grid shall be secured within or under the pool and deck media.
Exception: The equipotential bonding grid shall not be required to be installed

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under the bottom of or vertically along the walls of vinyl lined polymer wall, fiberglass composite, or other pools constructed of nonconductive materials. Any metal parts of the pool, including metal structural supports, shall be bonded in accordance with 680.26(B). For the purposes of this section, poured concrete, pneumatically applied (sprayed) concrete, and concrete block, with painted or plastered coatings, shall be considered conductive material.

- (D) Where structural reinforcing steel or the walls of bolted or welded metal pool structures are used as an equipotential bonding grid for nonelectrical parts, the connections shall be made in accordance with 250.8.

Now the questions remain, how does one apply the above requirements to the paved walking surfaces and what are the options? The key here is whether there is a “paved,” conductive walking surface (including pavers) surrounding your pool, spa, or hot tub, located indoors or outdoors. If there is, you need to install an equipotential bonding grid. The proper installations are:

1. #8 AWG copper wire mesh, arranged in 12” x 12” sections (this is permitted to be in direct contact with the earth, directly under the paved surface); or
2. steel wire mesh, which is listed/labeled to be encased in concrete, is permitted and there is no specific size (this must be raised off the ground by “chairs” or other means to keep the mesh up to be encased).

Note: It has been determined that the deck reinforcing steel (wire mesh) is acceptable to be utilized for the equipotential bonding grid as per the TIA and Section 547.10(B) of the NEC/2005, which requires the wire mesh to be bonded to the grid.

In all cases, interconnection of the wire mesh to the bonding grid must be with a listed clamp or connector. This connection of the #8 AWG copper wire is required to be installed by a New Jersey licensed electrical contractor, except for the case of a homeowner performing his or her own installation.

The above installations are typical for all paved walking surfaces. Pavers being used as walking surfaces around pools, etc. must follow one of the installations above; however, #2 requires the pavers to be placed on top of concrete slurry that encases steel wire mesh.

Please keep in mind that packaged spas or hot tubs that will be installed on conductive paved surfaces with a “walking” surface around the packaged unit must also have an equipotential bonding grid installed to the extent of the paved walking surface.

Where the packaged spa or hot tub is installed on an existing paved area that constitutes a paved walking surface, the equipotential bonding grid is required as per Sections 680.42 and 680.43 of the NEC/2005, and it is not exempted by the Rehabilitation Subcode.

For packaged spas or hot tubs installed on new or existing paved areas, a nonconductive mat or wood is also permitted; it should be installed three feet from the wall of the spa or hot tub, or to the extent of the paved walking surface from the packaged spa or hot tub. These materials are nonconductive, which negates the requirements for the equipotential bonding grid.

Remember: NO paved walking surface, NO bonding grid required.

If you have any questions, you may contact us at (609) 984-7609.

Source: Suzanne Borek and Rob Austin
Code Specialists

Framing Checklist

The Department of Community Affairs has received a number of inquiries from builders and contractors as to whether they are required to complete a framing checklist. They claim that they have performed work in towns where the framing checklist was not required.

N.J.A.C. 5:23-2.18(b)2 requires that, prior to inspection, the responsible person in charge of work shall provide to the building inspector a signed framing checklist, which must be verified and initialed by the inspector. The framing checklist is then made part of the permit file.

To clarify, the framing checklist is required for new buildings and additions. It must be filled out by the person in charge of the work, and then verified and initialed by the inspector, after which it becomes part of the permit file as a record.

If you have any further questions, please contact the Code Assistance Unit at (609) 984-7609.

Source: Marcel Iglesias
Code Assistance Unit

Errata to the 2006 National Standard Plumbing Code

This article is to bring to your attention that the 2006 National Standard Plumbing Code (NSPC) has issued an errata sheet for both the non-illustrated and illustrated editions. The errata sheet pertains to Table 7.21.1, Assembly Use A-3, and corrects the entries under the Water Closets (Urinals) and Lavatories columns. The corrected chart is below.

Change Item No. 1 in Table 7.21.1 to read as follows

Table 7.21.1
MINIMUM REQUIRED NUMBER OF PLUMBING FIXTURES - Sheet 1

No.	Classification	Use Group	Description	No. of Persons of each Sex	Water Closets (Urinals)		Lavatories		Drinking Water Facilities	Bath or Shower	Other
					Male	Female	Male	Female			
1	Assembly	A-3	a) Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, restaurants other than nightclubs, food courts. b) Places of worship and other religious services. Churches without assembly halls. See Notes 4, 6, 9, 12, 16	1 - 50	1	1	1	1	1 per 1000 people		1 service sink/floor
				51 - 100	add 1	add 1	add 0	add 1			
				101 - 200	add 1	add 2	add 1	add 1			
				201 - 300	add 1	add 1	add 0	add 1			
				ea. add'l 300 over 300	add 1	add 2	add 1	add 2			

Please note that the 2006 International Building Code (IBC), as did the 2000 IBC, lists restaurants as Assembly A-2. For the required plumbing fixture count in the NSPC, please use the description in Table 7.21.1 (A-3) for restaurants.

Also, referring to Figure 7.3.2, Minimum Fixture Clearances, "Water Closets or Bidets," "Water Closet Compartment," delete the "center line" reference. The clear dimension is 30" between partitions and not to the center of partitions.

Should you have any questions, you may contact me at (609) 984-7609.

Source: Thomas C. Pitcherello
Code Assistance Unit

Barrier Free Subcode and Balconies

When the International Code Council/American National Standards Institute Standard A117.1-2003 was adopted as the technical design standard for the Barrier Free Subcode on May 7, 2007, the reference to changes in level for access to balconies and patios should have been deleted. In an oversight, it was not. Consequently, at this time, the Barrier Free Subcode requires that a ramp be installed to bridge any level differential that exceeds one-half inch. This has not been required by previous editions of the Barrier Free Subcode and is not required by the applicable Federal law, the Federal Fair Housing Amendments Act. The Department of Community Affairs is in the process of correcting this oversight.

Because the Department is taking the required steps to amend the Barrier Free Subcode to match the

Federal Fair Housing Act in this regard, a variation could be issued to allow for compliance with the Federal law and the pending change. The change will provide an exemption for an accessible route for balconies and patios that are not more than four inches below the entrance door.

Should a question arise, we are willing to write to any code official who would like to have that opinion in writing. Alternatively, code officials should feel free to use this article as justification for granting the variation from the requirement for an accessible route to a patio or balcony that is not more than four inches below the entrance door.

If you have any questions, please contact the Code Assistance Unit at (609) 984-7609.

Source: Emily W. Templeton
Code Development Unit

**New Jersey Building Safety Conference:
May 2, 3, 4, 2007**

The opinion polls tell it all! Overall good seminars, good fellowship, good food, and good weather -- all taking place by the ocean -- what more could we ask? Bally's, Atlantic City, again outdid themselves with the service and the staffing of our event. Our attendance remained constant at around 600. We had 22 seminars, offering continuing education credits. The Crackerbarrel, which is always well attended, reached a high of 370 attendees. The variety of tables seemed to accommodate everyone's interests, although we're always looking for more!

This year was a special year for our awardees because it is the 30th anniversary of the Uniform Construction Code. The Commissioner of the Department of Community Affairs, Susan Bass Levin, was with us and she, along with William Connolly, Director of the Division of Codes and Standards, presented awards. The Inspectors and the Technical Assistant of the Year also received recognition from their respective organizations.

Norman M. Russell, Jr. received the award for Fire Inspector of the Year. He works in Glen Ridge Borough Township and Verona Township, both in Essex County. Joseph Scaramuzzo, who works in Middletown Township in Monmouth County, received the award for Plumbing Inspector of the Year. Stephen D. Jones, who works in Florham Park Borough in Morris County and in Millburn Township in Essex County, received the award for Building Inspector of the Year. Joseph L. Freeman, who works in Salem City and Penns Grove Borough, both in Salem County, received the award for Electrical Inspector of the Year. The award for Technical Assistant of the Year went to Valerie Waricka, who works in Marlboro Township, Monmouth County.

The Technical Assistant Association of New Jersey marked its tenth anniversary this year (1997-2007). Each of the seven chapters prepared gift baskets for a raffle. Proceeds of over \$1,000 from the raffle were donated to the Atlantic County Women's Center. What a nice way to recognize an anniversary! The organization also became an International Code Council chapter, and was awarded their plaque and banner at the luncheon.

An Awards reception was held on Thursday evening in the Ocean Ballroom to honor the recipients. Entertainment and music were provided by "The Party Dolls." It was an enjoyable evening.

Next year we will be meeting at the Trump Taj Mahal on April 30-May 2. We hope you will be able to join us!



From left to right: Joseph Albanese, President of the New Jersey Plumbing Inspectors Association; Joseph Scaramuzzo, Plumbing Inspector of the Year; William M. Connolly, Director of the Division of Codes and Standards, DCA.



From left to right: Art Londensky, President of the Fire Prevention and Protection Association; Norman M. Russell, Jr., Fire Inspector of the Year; William M. Connolly, Director of the Division of Codes and Standards, DCA.



From left to right: Linda Aiello, Vice-President of the New Jersey Association of Technical Assistants; Valerie Waricka, Technical Assistant of the Year; William M. Connolly, Director of the Division of Codes and Standards, DCA.

New Jersey Code Adoptions -- Elevator Safety Subcode

The following chart gives the adoption dates and the edition of the codes and standards used in connection with the Elevator Safety Subcode. *Note:* The grace period is covered at N.J.A.C. 5:23-1.6(a).

Edition Date for Building Subcode	Effective Date for Model Codes	BOCA Article Number for Elevators, Dumbwaiters, and Conveyor Equipment	ANSI A17 Safety Standard for Elevators and Escalators	ANSI A90.1 Safety Standard for Belt Manlifts	ASME A18.1 and A18.1a Safety Standard for Platform Lifts and Stairway Chairlifts
1975	01/01/77	16	A17.1 - 1971; A17.1a - 1972; A17.1b - 1973	A90.1-1969	
1976/S	12/01/77	16	A17.1 - 1971; A17.1a - 1972; A17.1b - 1973; A17.1c - 1974; A17.1d, e, f - 1975	A90.1 - 1969; A90.1a - 1972	
1978	10/01/78	16	A17.1 - 1971; A17.1a - 1972; A17.1b - 1973; A17.1c - 1974; A17.1d, e, f - 1975	A90.1 - 1969; A90.1a - 1972	
1981	05/07/81	21	A17.1 - 1978	A90.1 - 1976	
1983/AS	02/22/83*	21	A17.1 - 1981	A90.1 - 1976	
1984	08/06/84	21	A17.1 - 1981; A17.1a - 1982	A90.1 - 1976	
1985/S	04/01/85	21	A17.1 - 1984	A90.1 - 1976	
1986/AS	09/22/86	21	A17.1 - 1984	A90.1 - 1976	
1987	04/01/87	26	A17.1 - 1984 and 1985 Supplement	A90.1 - 1985	
1988/S	06/20/88	26	A17.1 - 1984 and 1985 Supplement	A90.1 - 1985	
1989/AS	11/01/89	26	A17.1 - 1987	A90.1 - 1985	
1990	07/01/90	26	A17.1 - 1987	A90.1 - 1985	
1991/S	03/04/91	26	A17.1 - 1987		
1993	05/01/93	Chapter 30	A17.1 - 1990	A90.1 - 1985	
1996	07/06/98	Chapter 30	A17.1 - 1993 and 1994, 1995 Supplements	A90.1 - 1992	
IBC-2000 New Jersey Edition	05/05/03	Chapter 30	A17.1 - 1996 and 1997, 1998 Supplements	A90.1 - 1997	A18.1 - 1999 and A18.1a - 2001
IBC-2006 NJ Edition	02/20/07	Chapter 30	A17.1- (2004-2005), including A17.1.S-2005	A90.1-2003	A18.1-2003

- 1) Consult construction files to determine under which elevator or building code the permit was taken out.
- 2) If code information is not available for existing elevators, apply the previous code. For example, when performing cyclical inspections, if the permit — or installation — date precedes or is within the grace period, apply the code edition immediately preceding the adoption of the new subcode. Example: A permit was issued on May 15, 1987. If the construction file does not have the information about the edition of the standard used, then ANSI A17.1 - 1984

is enforced. If the permit was issued on November 16, 1987, the ANSI A17.1 - 1984 with the 1985 supplement applies.

S = Supplement

AS = Accumulative Supplement

A = Amendments

* = Operative date

If you have any questions about the Elevator Safety Subcode, you may reach the Elevator Safety Unit at (609) 984-7833.

Source: Paulina Caploon
Elevator Safety Unit

New Jersey Register Adoptions

Date: February 20, 2007

Adoption: 39 NJR 633(a)

Summary: The adopted amendments at *N.J.A.C.* 5:23-3.14, 3.15, 3.17, 3.18, 3.20, 3.21, and 3.22 update the Building, Plumbing, Mechanical, and Fuel Gas Subcodes of the Uniform Construction Code (UCC) to implement the most recent published standards of the 2006 editions of the International Building Code (IBC), International Residential Code (IRC), National Standard Plumbing Code (NSPC), International Mechanical Code (IMC), and International Fuel Gas Code (IFGC).

Date: May 7, 2007

Adoption: 39 NJR 1669(a)

Summary: The adopted amendments at *N.J.A.C.* 5:23-2.15(e) allow homeowners who draw their own plans to hire a builder to construct the home and require notification that plans need to be reviewed by the Department of Community Affairs, where that is the case, no more than three business days after submission to the local enforcing agency.

The adopted amendment at *N.J.A.C.* 5:23-2.16(a)2 requires the local enforcing agency to act on a completed permit application within five business days for any plan that has been reviewed and released by the Department.

The adopted amendments at *N.J.A.C.* 5:23-2.30 clarify the assignment of construction and subcode officials' roles pertaining to the issuance of violation notices, orders, and penalties, and ensure that the signatures required on Form F211 and F212 are accurately accounted for in the rules.

Date: May 7, 2007

Adoption: 39 NJR 1671(a)

Summary: The adopted new rule at *N.J.A.C.* 5:23-2.23A and the adopted amendments at *N.J.A.C.* 5:23-2.15, 2.23, and 4.18 establish a framework and outline the requirements for Temporary Certificates of Occupancy (TCOs) for individual tenant spaces in multi-tenant buildings.

At *N.J.A.C.* 5:23-2.23A, the adopted rule outlines the requirements for TCOs for individual tenant spaces in multi-tenant buildings. A TCO may be issued for each tenant space provided that: 1) it may be occupied safely, 2) a TCO or Certificate of Occupancy (CO) has been issued for the common area(s), and 3) the unfinished portions of the building for which TCOs or COs have not been issued do not present life-safety hazards. In addition, the adopted rule would provide that TCOs may be issued floor by floor or tenant space by tenant space.

At *N.J.A.C.* 5:23-4.18, the adopted amendment provides that fees for permit updates shall be based on the cost of the work (or cost of equipment installed for electrical, fire, and plumbing work) if they are not included in the original permit application.

Date: May 7, 2007

Adoption: 39 NJR 1672(a)

Summary: The adopted amendment at *N.J.A.C.* 5:23-4.5(j)1 adds public officials and employees having direct or indirect control over the funding or operations of an enforcing agency, as well as their close relatives and household members, to the list of people who must have their plans reviewed and inspected by another enforcing agency in order to avoid actual or perceived conflicts of interest.

The adopted amendment at *N.J.A.C.* 5:23-4.4(c) expands the hours in which inspections may ordinarily be

(continued from page 17)

conducted from the period of 9:00 a.m. to 5:00 p.m. on business days, to the period from 7:00 a.m. to 6:00 p.m. on business days.

The adopted amendment at *N.J.A.C. 5:23-4.13(f)* requires that records shall be maintained at each on-site inspection agency office where meetings with the public take place.

Date: May 7, 2007

Adoption: 39 NJR 1673(a)

Summary: The adopted amendments at *N.J.A.C. 5:23-6.2, 6.4 through 6.9, 6.12, 6.13 through 6.28, and 6.30 through 6.33* update the provisions of the Rehabilitation Subcode, and are the product of the Department's annual review. Recommendations submitted to the Department are included along with the changes made necessary by the adoption of the IBC/2006, the NSPC/2006, the IMC/2006, the 2006 International Energy Conservation Code, the IFGC/2006, and the 2003 International Code Council/American National Standards Institute (ICC/ANSI) A117.1.

The adopted amendments to *N.J.A.C. 5:23-6.4(e)8, 6.5(e)9, 6.6(e)15, and 6.7(e)11* add insulation requirements for framed wall, floor, ceiling, or roof assemblies of a building thermal envelope that are opened or exposed as part of the scope of the work and found to contain no insulation.

The amendments to *N.J.A.C. 5:23-6.9(a)9, 6.12(a)2, 6.14(a)2.ii, 6.15(a)2.ii, 6.16(a)2.ii, 6.18(a)2, 6.20(b)4, 6.22(b)2, and 6.23(b)2* add requirements to prohibit the use of ladders in Assembly Group A buildings.

The adopted amendments at *N.J.A.C. 5:23-6.4(e)9, 6.5(e)10, 6.6(e)16, and 6.7(e)12* add window assembly performance requirements. When window assemblies are replaced, the U-factor (thermal transmittance) shall not exceed 0.5 or the U-factor of the window assembly being replaced, whichever is lower.

The adopted amendment at *N.J.A.C. 5:23-6.4(e)7* adds the fire-blocking section of the IRC/2006 for an R-5 residence to correlate with the IBC/2006 fire-blocking sections, if applicable to the project.

The adopted amendment at *N.J.A.C. 5:23-6.8(d)2* adds the requirement for proper work space about electrical equipment over 600 volts, nominal when equipment is increased in voltage.

The adopted amendment at *N.J.A.C. 5:23-6.8(f)6* adds that the requirements of the Fuel Gas Subcode apply only when replacement fuel-fired equipment creates a higher output to the common venting system than the original equipment.

The adopted amendment at *N.J.A.C. 5:23-6.9(a)20* adds the installation requirements for a receptacle outlet from the Electrical Subcode for newly installed (i.e., not replacing an existing device) heating, air-conditioning, or refrigeration equipment that would require examination, adjustment, servicing, or maintenance. Also, a lighting outlet would be required if the newly installed heating, air-conditioning, or refrigeration equipment is in an attic, under-floor space, utility room, or basement.

The adopted amendment at *N.J.A.C. 5:23-6.27(a)* adds the reference for smoke detection in Group R-5 to the one- and two-family dwelling basic requirements. This would make Group R-5 of the One- and Two-Family Dwelling Subcode correspond to Group R-3 of the Building Subcode.

The adopted amendment at *N.J.A.C. 5:23-6.27(c)* adds the private garage separation section of the IRC/2006 for an R-5 residence to correspond to the IBC/2006 private garage separation section.

Date: May 7, 2007

Adoption: 39 NJR 1683(a)

Summary: The adopted amendments at *N.J.A.C. 5:23-7.2, 7.3, 7.4, 7.5, 7.6, 7.9, 7.11, and 12.12* replace the adopted technical standard for accessible design, ICC/ANSI A117.1-1998, with the most recent edition of the same technical standard, ICC/ANSI A117.1-2003. The adopted amendments include changes that are required to bring the UCC into compliance with P.L. 2005, c. 350, which amended the UCC to require that townhouses be adaptable if municipal credit is sought under the New Jersey Council on Affordable Housing's fair-share requirements. The adopted amendments establish specific provisions for site impracticality in new section *N.J.A.C. 5:23-7.6*, including requirements for when accessible entrances are required on a steeply sloped site or in a flood plain. The adopted amendments reorganize several sections of the Barrier Free Subcode for clarity, without changing requirements.

Nonmetallic-Sheathed Cable and Garages --

UPDATE

The article published in the Summer/Fall 2006 *Construction Code Communicator* regarding nonmetallic-sheathed cable and garages was a literal interpretation of the 2005 National Electrical Code (NEC). The article was written to minimize confusion as to whether a 15-minute finish rating is required with the installation of nonmetallic-sheathed cable in a one- or two-family dwelling garage, attached or detached. Since then, the Department of Community Affairs has taken action which will make that article null and void.

In April 2007, the Uniform Construction Code Advisory Board approved a proposal to permit the installation of type NM, NMC, and NMS cables in buildings or structures accessory to one- and two-family dwellings. The proposal adds a change to the Electrical Subcode (NEC/2005), via *N.J.A.C. 5:23-3.16*, that states, "Item 1 of Section 334.10 is amended to add 'and accessory buildings or structures' after the word 'dwellings'." This is a pending adoption and the Department expects adoption before the year's end. In the meantime, if a permit applicant wishes to install the wiring methods discussed in an attached or detached garage for a one- or two-family dwelling, he or she must apply for a variation from the requirement to install a thermal barrier of a 15-minute finish rating, based on Item 1 of Section 336-4 in the NEC/1999.

If you have any further questions, you may contact us at (609) 984-7609.

Source: Rob Austin and Suzanne Borek
Code Assistance Unit

Projects Submitted in Order to Comply with Other Related Regulations

Tracking the many project applications that come across our desks can be an overwhelming task. Several retrofit regulations, including but not limited to the Uniform Fire Code (UFC) and the Hotel and Multiple Dwelling Law, mandate that work be undertaken in an existing structure. Some of this work requires a permit and compliance with the Uniform Construction Code (UCC). It is important to identify this type of work prior to completing plan review and/or issuing a permit to ensure that the work done results in correction of the violation cited.

Accomplishing this goal often requires a combined effort among the agency enforcing the regulation, the project applicant, and the UCC official reviewing the project application. A UCC official can do his/her part by requesting a copy of the Notice of Violation or regulation cited from the project applicant. With that information and the permit application in hand, the UCC official can determine what is required to abate the violation of the other code and whether the proposed work will actually abate that violation. This avoids the worst-case scenario of a well-intentioned project applicant ending up with (and paying for) a UCC permit and performing work that does not satisfy the underlying problem.

For example, the fire official cites the building owner for a UFC violation for a windowless story. The construction official needs to see a copy of the violation to

determine the approved means of abating the violation. Under the UFC, there are three methods to abate this type of violation. Each method is based on the area of the windowless story. Without coordination between the fire official and the construction department on this matter, the owner could install a system that does not abate the UFC violation. It is for this reason that communication between the two offices is essential.

In addition, we should be reminded that *N.J.A.C. 5:23-2.4(c)* only requires that work mandated by any housing, property, or fire-safety code, standard, or regulation, or other State or local law, conforms to the requirements of that code, standard, law, or regulation and is not required to conform to the subcodes adopted by the UCC, unless so provided by that housing, property, or fire-safety code or regulation.

If you have any questions on this matter, please contact me at (609) 292-7898.

Source: Carmine Giangeruso
Construction Official/Emergency Coordinator
Division of Codes and Standards

Records Retention: Storing Documents

Over the past few weeks, the Department of Community Affairs has been asked several times whether there is any prohibition against storing documents that are required to be retained in an electronic or digital format. At *N.J.A.C. 5:23-2.16A(a)1*, the Uniform Construction Code (UCC) requires that "Copies of the following documents shall be retained" It does not limit the retention to paper copies and, therefore, retaining copies in a digitized or electronic format is permitted.

A companion question is whether UCC fees may be used for the conversion of paper records to an electronic or digital format. The answer to that is yes, UCC fees may be used to convert required UCC records. However, UCC fees may not be used to convert other, non-UCC municipal records and a separate fee may not be charged.

If you have questions about records retention, contact the Office of Regulatory Affairs at (609) 984-7672.

Source: Emily W. Templeton
Code Development Unit

Requirement for Overflow Roof Drains

The Department of Community Affairs has been receiving many telephone calls asking where to find the requirement for overflow roof drains.

With the adoption of the 2006 National Standard Plumbing Code (NSPC) (and the previous editions of the NSPC dating back to the adoption of the NSPC/1996), Section 13.1.10.2, Secondary Roof Drainage, has been deleted in *N.J.A.C. 5:23-3.15(b)13.iii*.

Section 13.1.10.2, Secondary Roof Drainage, required an independent secondary roof drainage system. Despite the deletion of the section, some type of relief would still be required should the primary roof drains become blocked. To clarify, even with the deletion of the independent secondary roof drainage system requirement from the NSPC, a secondary relief system is still required.

The 2006 International Building Code, Section 1611, Rain Loads, requires that relief be provided should the primary roof drains become blocked. The building code also mentions a secondary drainage system.

Relief would be required where parapet walls or other construction extend above the roof where stormwater would become trapped. Relief could be scuppers or overflow drains. The overflow drains are permitted to be connected to the primary system. This may be considered a relief drainage system.

An independent secondary drainage system can be installed, but it would be a redundant system and is not required by code.

There are no code requirements that would prohibit the overflow drains from connecting to the primary roof drainage system.

Should you have any questions, you may contact me at (609) 984-7609.

Source: Thomas C. Pitcherello
Code Assistance Unit

Garden-Type Utility Sheds and Similar Structures

Section 1805.2.1 of the Building Subcode (*N.J.A.C. 5:23-3.14*) and Section R403.1.4.1 of the One- and Two-Family Dwelling Subcode (as amended by *N.J.A.C. 5:23-3.21*) contain an exception regarding frost protection for foundation systems. Tie downs are not included in frost to foundation. The exception is as follows:

Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Buildings and other structures that represent a low hazard to human life in the event of failure, including but not limited to agricultural buildings, temporary buildings, and minor storage facilities;
2. Area of 600 square feet or less for light-framed construction, or 400 square feet or less for other than light-framed construction; and
3. Eave height of 10 feet (3048 mm) or less.

Typical buildings (this is not an all-inclusive list) that this exception applies to include a detached, garden-type utility shed; carport; deck; garage; gazebo; pavilion; playhouse . . . in short, a roofed-over, accessory structure (with the exception of a deck).

Note: This was previously covered in *N.J.A.C. 5:23-9.9*, and only applied to Groups R-2, R-3, R-4, and R-5. The requirements have changed and now apply to all building uses.

Lastly, as per *N.J.A.C. 5:23-2.14(b)8*, a building permit is not required for garden-type utility sheds and similar structures that are 100 square feet or less in area, 10 feet or less in height, and accessory to buildings of Group R-2, R-3, R-4, or R-5. Please note that if plumbing, electric, or gas is run to these structures, the applicable plumbing or electric permit would then be required.

If you have any questions, please contact me at (609) 984-7609.

Source: Rob Austin
Code Assistance Unit

Swimming Pools and the Energy Subcode

Sections 504.5 and 604.1.2.3 of the previous Energy Subcode (1995 Council of American Building Officials Model Energy Code) contained requirements for swimming pools for one- and two-family dwellings, and multiple-family dwellings with three stories or less, which included pool covers for heated pools and time clocks. However, with the adoption (on February 20, 2007) of the 2006 International Energy Conservation Code, those requirements no longer apply to these buildings. Typically, pools associated with these buildings are used four to five months of the year (i.e., open in May/June, closed in September) and it appears that, because of this, the requirements were removed in the newest national model energy conservation code.

Now, this does not mean that the Energy Subcode has gone completely soft on swimming pools; all buildings not described above still have requirements as per the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2004, the referenced standard for commercial buildings. The requirements for pool covers, time switches, etc. were in Section 7.2.5 of the ASHRAE Standard 90.1-1999 and are now in Section 7.4.5 of the ASHRAE Standard 90.1-2004.

If you have any questions, please contact me at (609) 984-7609.

Source: Rob Austin
Code Assistance Unit

The Flood Hit! Now What?

When flooding causes damage throughout your community, as a local Uniform Construction Code (UCC) enforcement agency, you may be called on to assist in the process of returning building occupants safely back into their homes or businesses. UCC enforcement agencies should provide property owners with the necessary support to evaluate conditions in identified damaged buildings. Depending on the extent of damage to the building, examples of tasks that your agency might be asked to complete are:

- ♦ Assessment by building inspectors of damage to foundation walls and inspection for signs of structural damage
- ♦ Evaluation by electrical inspectors of the damage to the property's electrical system, including the electrical service and whether reconnection can be made by the utility provider

- ♦ Evaluation by plumbing inspectors of the condition of the property's piping and fuel service, including recommending when it is safe to turn service back on
- ♦ Evaluation by fire-protection inspectors of the status of fire-protection systems within buildings

Completing these tasks may be overwhelming to your agency, depending on the extent of flood damage in your community. The Department of Community Affairs, Division of Codes and Standards is able to provide assistance to local enforcement agencies in helping a community complete the above tasks during a disaster.

A brochure, "Flooding Hazards: What You Need to Know," is available on the Department's web site at: <http://www.nj.gov/dca/flood.pdf>.

Please feel free to reach out to me with questions or comments. I can be reached at (609) 292-7898 or cgiangeruso@dca.state.nj.us.

Source: Carmine Gangeruso
Division of Codes and Standards
Construction Official/Emergency Coordinator

Welcome, Debra!

The Code Development Unit has a new code writer. Debra McLoughlin joined us last December, and is responsible for writing rules, performing research, and serving as the staff liaison to the Uniform Construction Code Advisory Board. In addition, Debra edits the *Construction Code Communicator*.

Before coming to the Department of Community Affairs, Debra was an editor for LexisNexis, the legal publisher. She wrote case summaries and conducted Internet research on legal issues. We will put her skills and experience to good use on code issues!

Source: Emily Templeton
Code Development Unit

William Connolly's Retirement

William Connolly has announced his retirement as the Department of Community Affairs' Director of the Division of Codes and Standards, effective on August 1, 2007.

Mr. Connolly began working for the State of New Jersey in 1973. In the ensuing decades, he was instrumental in the development of the Uniform Construction Code Act and regulations, the Rooming and Boarding House Act and regulations, the New Home Warranty and Builder's Registration Act and regulations, the Uniform Fire Safety Act and regulations, the Residential Site Improvement Act and regulations, the award-winning Rehabilitation Subcode, and the Carnival and Amusement Ride Safety regulations. Mr. Connolly pioneered improvements in accessibility including Council on Affordable Housing's low- and moderate-income housing accessibility, and recreation accessibility. During his extraordinary tenure in public service, Mr. Connolly has worked tirelessly to improve the safety and security of State residents, and the resulting accomplishments were often groundbreaking and always forward thinking. They have created a model for the future. In keeping with the adage that imitation is the sincerest form of flattery, other states have gone on to imitate the progress made in New Jersey.

During the course of his public service, Mr. Connolly also served as Director of New Jersey's Division of Housing and Development, leading the development of programs including neighborhood preservation, affordable housing, homelessness prevention, and rental assistance for low-income families. He also served two years in construction operations with the United States Army Corps of Engineers, including one year in the Republic of Vietnam.

At the June 8, 2007 Uniform Construction Code Advisory Board meeting, Board members commended Mr. Connolly's hard work, leadership, dedication, professionalism, and above all, his willingness to listen. In response, Mr. Connolly noted his grandfather's advice, "If you have to work, do the best possible job and be the best there is at it." Mr. Connolly added, "We are the best and we will continue to be."

Our ability to continue to be the best is Mr. Connolly's legacy. He didn't just lead; he listened, he connected, and he shared. As writer Tom Peters said, "Leaders don't create followers; they create more leaders." That is the benchmark of progress.

In the final moments of the Board meeting, Mr. Connolly said, "My father told me that saying goodbye means you won't see people again, so I will say "so long" because I'm sure we will see each other again. Thank you for your support."

Thank you, Bill. And so long.

Prior Use of Buildings/Properties Where Day-Care Centers Are Located

As you know, a letter was sent out from the Department of Community Affairs (DCA) on October 27, 2006 explaining that, in order to receive or renew licensure to operate a child-care center from the Department of Children and Families (DCF), an applicant must show the building was not previously used and is not presently being used for any type of industry or storage that might have created contamination.

On January 31, 2007, another letter was mailed stating that a bill was signed into law requiring environmental investigations under defined circumstances prior to the issuance of a permit or a Certificate of Occupancy for child-care centers.

Both letters included a request that the construction official provide a letter to the applicant of the day-care center stating, based on the records available, what the previous use(s) was. There seems to be difficulty in understanding what information DCF needs in the prior-use letter.

On the next page is a memorandum from Cynthia Wilk, Director of the Division of Codes and Standards, along with a template and sample letters to assist in issuing the prior-use letters.

If you have any questions, you may contact us as (609) 984-7609.

Source: Suzanne Borek
Code Specialist



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 802
TRENTON NJ 08625-0802

August 24, 2007

Dear Construction Official:

As part of the rules adopted following the discovery of mercury at Kiddie Kollege last summer, the Department of Children and Families has been requiring child care operators to submit a letter from the construction official regarding the prior uses of the building. This letter is required in connection with the license renewal for the child care center.

This is not a certification by the construction official. It is meant to be a letter stating what the construction official's records show on the past use(s) of the property. Because there have been some problems, the Department of Children and Families asked that a template be supplied for construction officials to use.

Attached please find sample letters for your use as a guide for issuing the letter to the child care center licensee; the letter is not required to go to the property owner.

If you have further questions, please feel free to contact the Code Assistance Unit at (609) 984-7609.

Sincerely,

Cynthia A. Wilk
Director
Division of Codes and Standards

Enclosures



SAMPLE LETTER 1

Dear Child-Care Provider:

In response to your request, we have reviewed the files of the construction code enforcement agency of this municipality regarding the prior uses of the property located at [STREET ADDRESS, BLOCK, LOT]. Our records reveal the following:

[LIST PRIOR USES, WITH DATES, IF POSSIBLE. THIS SHOULD INCLUDE THE GROUP DESIGNATION(S) AND A DESCRIPTION OR IDENTIFICATION OF THE BUSINESS OR USE, IF KNOWN. FOR EXAMPLE, GROUP M – CONVENIENCE STORE. IF THE BUILDING WAS USED FOR STORAGE, STATE WHAT WAS STORED, IF KNOWN. IF NO INFORMATION IS FOUND, STATE THAT.]

If you have any questions, please feel free to contact this office.

Sincerely,
Construction Official

SAMPLE LETTER 2

Dear Little Children School:

In response to your request, we have reviewed the files of the construction code enforcement agency of this municipality regarding the prior uses of the property located at 824 Nothing Ave., BLOCK 1, LOT 1.1. Our records reveal the following:

- ◆ Use Group M – Convenience Store
6/1981 to 3/1987
- ◆ Use Group B – Real Estate Office
6/1988 to 4/1999
- ◆ Use Group S – Storage of
Documents for Attorney's Office
2/2000 to 5/2001
- ◆ Use Group E – Day Care Center
8/2004 to present

If you have any questions, please feel free to contact this office.

Sincerely,
Construction Official

SAMPLE LETTER 3

Dear Little Children School:

In response to your request, we have reviewed the files of the construction code enforcement agency of this municipality regarding the prior uses of the property located at 824 Nothing Ave., BLOCK 1, LOT 1.1.

Our records revealed that the property was not any of the following uses: factory/industrial (Group F), high hazard (Group H), storage (Group S), nail salon or dry cleaner (Group B), or gasoline station (Group M).

If you have any questions, please feel free to contact this office.

Sincerely,
Construction Official

(continued from page 15)



From left to right: Martin Vogt, President of the Building Officials Association of New Jersey; Stephen D. Jones, Building Inspector of the Year; William M. Connolly, Director of the Division of Codes and Standards, DCA.



From left to right: Alan Wilkins, Municipal Electrical Inspectors Association; Joseph L. Freeman, Electrical Inspector of the Year; William M. Connolly, Director of the Division of Codes and Standards, DCA.

FIRST-CLASS MAIL

Department of Community Affairs
Division of Codes and Standards
101 South Broad Street
PO Box 802
Trenton, NJ 08625

