

CHAPTER 47C
GENERAL COMMODITIES;
WEIGHTS AND MEASURES

Authority

N.J.S.A. 51:1-61.

Source and Effective Date

R.2010 d.071, effective April 21, 2010.
See: 41 N.J.R. 4404(a), 42 N.J.R. 951(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 47C, General Commodities; Weights and Measures, expires on April 21, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 47C, General Commodities; Weights and Measures, became effective prior to September 1, 1969.

Subchapter 4, Industry Standard; New Jersey Atlantic White Cedar, was adopted as R.1979 d.373, effective September 20, 1979. See: 11 N.J.R. 399(a), 11 N.J.R. 580(c).

Subchapter 5, Sales of Precious Metals, was adopted as R.1980 d.420, effective September 30, 1980. See: 12 N.J.R. 551(a), 12 N.J.R. 671(c).

Subchapter 5, Sales of Precious Metals, was repealed, and Subchapter 6, Requirements for Security Bond Required by Transient Buyers of Precious Metals, was adopted as R.1982 d.96, effective April 5, 1982. See: 13 N.J.R. 818(a), 14 N.J.R. 346(e).

Pursuant to Executive Order No. 66(1978), Chapter 47C, General Commodities; Weights and Measures, was readopted, and Subchapter 2, Foodstuffs, was adopted as R.1984 d.373, effective August 6, 1984. See: 16 N.J.R. 1031(a), 16 N.J.R. 2289(a).

Pursuant to Executive Order No. 66(1978), Chapter 47C, General Commodities; Weights and Measures, was readopted as R.1989 d.350, effective June 9, 1989. See: 21 N.J.R. 1096(a), 21 N.J.R. 1832(a).

Pursuant to Executive Order No. 66(1978), Chapter 47C, General Commodities; Weights and Measures, was readopted as R.1994 d.330, effective June 6, 1994, and Subchapter 4, Industry Standard; New Jersey Atlantic White Cedar, was repealed by R.1994 d.330, effective July 5, 1994. See: 26 N.J.R. 1761(a), 26 N.J.R. 2796(b).

Pursuant to Executive Order No. 66(1978), Chapter 47C, General Commodities; Weights and Measures, was readopted as R.1999 d.202, effective June 3, 1999. See: 31 N.J.R. 926(a), 31 N.J.R. 1817(a).

Chapter 47C, General Commodities; Weights and Measures, was readopted as R.2004 d.435, effective October 26, 2004. See: 36 N.J.R. 3229(a), 36 N.J.R. 5366(b).

Chapter 47C, General Commodities; Weights and Measures, was readopted as R.2010 d.071, effective April 21, 2010. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. DEFINITIONS

13:47C-1.1 Words and phrases defined

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Advertising media or means” means any attempt directly or indirectly by publication, dissemination, solicitation, endorsement or circulation or in any other way to induce directly or indirectly any person to enter or not enter into any obligation or acquire any title or interest in any building materials as defined by this regulation.

“Building materials” means lumber, wood, and wood product materials used in connection with the construction, fabrication, and erection of residential, utility or business premises.

“Consumer” means any person who purchases building materials for incorporation into any type of structure.

“Cord” means the amount of wood which is contained in a space of 128 cubic feet, when the wood is ranked and well stowed. For the purpose of this regulation, “ranked and well stowed” shall be construed to mean when pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

“Cordwood”, “firewood”, “fireplace” and “stove wood” mean any logs, boards, timbers or other wood, split or not split, advertised, offered for sale, or sold as fuel.

“Cut-up poultry” means all dressed poultry from which the entire viscera (entrails) have been removed and the carcass of which has been cut into portions or dismembered.

“Dry tare” means the unused dry tare and used dry tare methods of net weight inspection.

“Equipped dealer” means any person who is regularly engaged in the business of selling or selling and delivering building materials to consumers in the State of New Jersey and who maintains unloading or loading, storage, transportation, communication, sales, services or other facilities therefor, with an office accessible to the public with a competent person on duty, commensurate with the nature and other requirements of the business.

“Grade” and “species” means those grades and species for building materials that are authorized by N.J.S.A. 51:4-27.

“Lumber” means the wood obtained from the felling, trimming and working up of all kinds and types of trees for use as a structural material.

“Meat” means and includes beef, veal, pork, mutton, lamb, domestic rabbits and products of all kinds in which meat of the prescribed classes forms the basic ingredient.

“Offer for sale” or “expose for sale” shall be construed to include the use of any advertising media or means.

“Persons” means and includes corporations, companies, associations, societies, firms, partnerships, joint stock companies and governmental entities as well as individuals.

“Poultry” means and includes chickens, ducks, geese, turkeys, guineas and all products the basic ingredient of which is poultry of prescribed classes; provided, however, that squabs shall be exempt from the requirements of this chapter.

“Precious metals” means gold, silver, platinum, palladium, and alloys thereof.

“Processed” means meat, whether fresh or frozen, that has been removed from the shells of clams, mussels, oysters or other mollusks and has been chopped or commingled with other solid foods.

“State Superintendent” or “Superintendent” means the State Superintendent of the Office of Weights and Measures in the Division of Consumer Affairs, New Jersey State Department of Law and Public Safety.

“Transient buyer” means a buyer of precious metals as provided for in N.J.S.A. 51:6A-1 et seq. who has not been in the retail business continuously for at least six months at the address in the municipality where he is required to register or who intends to close out or discontinue all retail business in the municipality within six months.

“Treated lumber” means any lumber or lumber product which has been chemically treated for the purpose of retard-

ing or preventing deterioration or destruction by insects, fungi, bacteria or other wood destroying organisms.

“Unequipped dealer” means any person who is regularly engaged in the business of selling building materials at retail in the State of New Jersey to consumers in this State who does not maintain loading, unloading or storage facilities.

“Unused dry tare” means all unused packaging materials, including such materials as glue, labels, and ties, that contain or enclose a product and includes prizes, gifts, coupons, or decorations that are not part of the product.

“Used dry tare” or “dried used tare” means used packaging material that has been air dried or dried in some manner to simulate the unused tare weight, including all packaging materials that can be separated from the packaged product either readily or by washing, scraping, ambient air drying, or other techniques involving more than normal household recovery procedures, but not including laboratory procedures like oven drying.

“Whole logs” means any single piece of wood, greater in length than eight feet, unsplit and in the natural state. The trimming or looping of limbs from such logs is permitted and shall not be deemed to change the natural state of such logs.

“Wiping materials” means and includes all textiles, washed and unwashed, new or old, such as mill rags, mill ends, remnants, cheesecloth, cotton thread, shoddy, clippings, machined cotton and wool waste, discarded garments, discarded household textiles, raw cotton or any other material or thing sold, distributed or used as wiping material.

As amended, R.1979 d.251, effective June 20, 1979.

See: 11 N.J.R. 256(a), 11 N.J.R. 400(b).

As amended, R.1980 d.421, effective September 30, 1980.

See: 12 N.J.R. 550(a), 12 N.J.R. 672(a).

“Cord” and “cordwood” redefined; “fireplace”, “firewood”, “stove wood” and “whole logs” defined.

As amended, R.1984 d.5, effective February 6, 1984.

See: 15 N.J.R. 1835(a), 16 N.J.R. 249(b).

Added definition of “treated lumber”.

As amended, R.1984 d.373, effective August 20, 1984.

See: 16 N.J.R. 1031(a), 16 N.J.R. 2289(a).

Changes in definitions “cordwood”, “persons”, “whole logs”.

Amended by R.1999 d.202, effective July 6, 1999.

See: 31 N.J.R. 926(a), 31 N.J.R. 1817(a).

Inserted “Processed”.

Amended by R.2004 d.314, effective August 16, 2004.

See: 36 N.J.R. 916(a), 36 N.J.R. 3884(b).

Added “Dry tare”, “Unused dry tare”, “Used dry tare”.

Amended by R.2004 d.435, effective December 6, 2004.

See: 36 N.J.R. 3229(a), 36 N.J.R. 5366(b).

Substituted “Equipped dealer” for “Dealers”, added “Precious metals”, “State Superintendent”, “Transient buyer”, “Unequipped dealer”.

Amended by R.2010 d.071, effective May 17, 2010.

See: 41 N.J.R. 4404(a), 42 N.J.R. 951(a).

In definitions “Equipped dealer” and “Unequipped dealer”, substituted “the State of New Jersey” for “this State”; and deleted definitions “Paneling” and “Single service container”.