

# Construction Code Communicator



State of New Jersey  
Jim Florio, Governor

Department of Community Affairs  
Melvin R. Primas, Jr., Commissioner

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## ASSOCIATES DEGREE IN CODE ENFORCEMENT: A REALITY!

On January 25, 1991, the Department of Higher Education approved an Associates Degree in Applied Science in Construction Code Enforcement. For now, this program is approved at Atlantic Community College only.

### The Program

As planned, the 64-credit AAS degree program will consist of 30 credits of general education (covering such areas as English composition, the humanities and social sciences, a laboratory science, computer science, and electives) and 34 credits in the major. Courses in the major include algebra; a two-course structural design sequence; a course covering legal principles of the New Jersey Uniform Construction Code; an introductory course in construction code enforcement; two two-course sequences in residential and non-residential construction code theory and principles; a construction code administration course; and a program elective course covering either logic or state and local government. A cooperative education course will provide students with practical experience through supervised code enforcement work.

### Thank You

Since 1981, there have been many people involved in this program who came through at critical times to keep the program alive. First, we must thank Commissioner Primas for his leadership and dedication to the program; also Ellis Vieser and the New Jersey Alliance for Action for helping to keep our program going when many thought it would not be approved; the New Jersey Building Officials Association for its continued support; Atlantic Community College for its commitment to the education of code officials; and finally, William Connolly for his foresight in seeing the value of this program more than a decade ago.

Source: William Hartz  
Chief, Bureau of Technical Services □

## AAS DEGREE IN CODE ENFORCEMENT: INFORMATION

Many people have already contacted Atlantic Community College for information concerning the newly approved degree program. If you would like more information, please call James Foran, the program coordinator, at 609/343-4984. Office hours are Monday and Wednesday from 5:00 to 5:30pm, and Thursday from 5:00 to 6:00pm. If you are unable to call at that time, you may call the same number and leave your name and a day and evening phone number, and Mr. Foran will contact you. □

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## PUBLIC NOTICE

Take note that the 1991 supplements to the BOCA National Building Code/1990 and the BOCA National Mechanical Code/1990 are now available. The effective date for the use of these model codes in New Jersey is hereby set at March 4, 1991, pursuant to the State Uniform Construction Code Act (NJSA 52:27D-123 b.), which provides that "the initial adoption of a model code or standard as a subcode shall constitute adoption of any subsequent revisions or amendments thereto." Proposed amendments containing all necessary technical and editorial changes will be published in the *New Jersey Register*.

Source: William Connolly  
Director, Division of Codes and Standards □

## CRUNCHING NUMBERS

Are there overburdened construction officials and control persons out there? In addition to the normal business of plan review, permits, and inspections, do you conscientiously fill out statistical reports every month? And send them to the DCA? And then, do they seem to disappear into the proverbial black hole?

We're looking at them, ladies and gentlemen. The first purpose of this article is to let you know what happens to your monthly reports. The cumulative mass of data that comes in is enormous, as you might guess. If you send in paper reports, we input all the information onto personal computers here at Regulatory Affairs. Before the information from your reports is typed into a computer, we look it over. If there are obvious problems with the reports, we put them in an envelope and send them back to you. Only you know what the correct information is, and we're trying to keep the data going into the system as "clean" as possible. You might have gotten one of our form letters back with a check-off noted for "incomplete report," "report not separated into proper use groups," or some other common error.

Once we input the corrected information, we plug our modem into a telephone line and send it from Regulatory Affairs out to a State mainframe. Those of you who have the luxury of UCCARS capability do not have to send paper reports (except where a given month reflects "zero activity" - see Larry Wolford's article, "Zeros," on page 8), but can simply tell the system to send the information to us over your modem. We then back it up onto the State mainframe, where it joins with the information from the paper forms. We are now able to reach over to the mainframe, make the system sort the data, and give us back some reports.

As with anything new, the process is a slow one. We discover small glitches as we go. For example, until we learned to tell the

system exactly what we wanted, it was merging the information for all towns with duplicate names. (Washington and Franklin townships, you wouldn't believe the business you did last year!) That problem was quickly resolved, but it caused some frustrating moments.

Another experiment was a random spot comparison between two different systems' information (some bravery was required for this). We compared the same information - volume of new construction - between the monthly reports and the quarterly State Training Fee reports. During that exercise, we discovered a few towns on UCCARS that may have faulty municipal codes in their computers, and we're working on correcting that problem.

At the same time as we experience the adventure of pulling meaningful information out of a complex data processing system, we must also ensure the completeness of the information going in. The old computer maxim of "garbage in, garbage out" clearly applies here.

Since Regulatory Affairs is Regulatory Affairs, I'm afraid the first report we needed to obtain was a delinquency report. And so to the second purpose of this article. That is, to advise readers that there are still a few construction officials in New Jersey who are not making sure the needed information gets here, by whatever means, mail or modem. The new delinquency report gives Regulatory Affairs a calendar year, monthly report picture. For each municipality, it shows both reports for each month, and indicates whether or not they were sent in. As I write this in February, we are awaiting production of the full delinquency report for calendar 1990. Regulatory Affairs will shortly be sending out letters to notify you of missing reports.

It will come as no surprise to you, of course, that no system is foolproof. It is within the realm of possibility that you will get a delinquency letter when you know you sent in the reports. Should this happen, my suggestion is that a patient resubmittal of the data, with a note containing comments of your choice, may be more productive (if less satisfying for the short run) than an irate phone call.

It is an unavoidable fact of life that every administrative job has paperwork associated with it. Right along with documentation of inspections, the UCC requires submission of the monthly reports.

As you know, construction activity is a key indicator used in evaluating the state of the economy. The information from the monthly reports is used directly for this purpose, among others. Regulatory Affairs is charged with the responsibility of gathering the information, and holds the construction official responsible for ensuring its arrival here. Fines will be imposed for noncompliance, so please - send out those monthly reports.

Source: Vivian Lopez, Esq.  
Bureau of Regulatory Affairs □

## INSPECTIONS: ORDER MATTERS

Once upon a time, in a typical town, there were three contractors. While they all were competent workers, each had developed a bad habit. One never **listened**, one never **explained**, and the third never **looked** at anything but her own work. The three were hired to build a house together.

The carpenter on the job did excellent work, unhampered by the fact that he never spoke to anyone. In fact, he saved so much time this way that he had the entire framing of the house completed before the plumbing and mechanical contractors appeared on the job site.

Soon after the carpenter had completed the framing, the plumbing contractor arrived on the job. She, too, was an excellent contractor despite the fact that she never looked at existing work. She was blessed with a sixth sense that allowed her to run piping in the most direct manner, using the least material, and she had a variety of tools to get her through any obstacle that darn carpenter put in her path.

Soon the plumber had finished her work, and the mechanical contractor arrived on the job site. He also prided himself on his ability to use a minimum quantity of materials. Unfortunately, being the last of the three on site, he now had to avoid obstacles that both the carpenter and plumber had put in his way. An intelligent man, he knew that wood was easier to remove than cast iron and copper. Since he wanted to get the job completed on schedule and didn't feel he had time to listen to alternatives, he proceeded to remove and alter our poor carpenter's members.

Despite being notched and bored to death (as you probably are by now), the house was still standing by the time the carpenter had completed his finish work, the plumber had mounted her fixtures, and the mechanical contractor had balanced his system. And as they stood together and admired the house they just completed, it crashed to the ground!

The carpenter, who had been too busy to discuss bearing members with his fellow contractors, suddenly developed a colorful vocabulary. The plumbing contractor, who had disregarded the over-bored and over-notched structural members, saw the error of her ways; and our mechanical contractor, who had ignored the warning creaks of the framing as he used his chain saw, knew that he had to face the music.



One of the responsibilities of inspectors is to ensure that even when contractors don't communicate, their work is still completed in a safe, code conforming manner. Section 5:23-2.18 (b) 1.i. lists the required inspections. Framing inspections require care and timing, since framing that is altered **after** the framing inspection has been performed can bring the house down. Literally. It is important that what is approved during the framing inspection is still there when the job is finished. If other

contractors will need to alter framing, the framing inspection should take place after they have made their changes.

Source: Michael Baier  
Code Assistance Unit

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## LOCAL GOVERNMENT ETHICS: MUNICIPAL ENFORCEMENT

Code officials should note that a bill passed by the legislature (A-3555 and 435 and S-2027 [2dR] of 1990) and signed by the Governor on February 20 will direct municipalities to set up local ethics boards. The boards, composed of local citizens, will establish a code of ethics for all elected, appointed, and career municipal public servants. The boards will review conflicts and complaints and hold hearings where necessary. Statements about business interests, honoraria, real estate ownership, etc., will need to be filed with the board.

While construction code officials are already prohibited by NJAC 5:23-4.5(h) from engaging in for-profit business activities with the construction industry in their own and adjacent towns, municipal codes of ethics could make other sorts of activities improper in a given municipality. Code officials should be aware that when their municipalities begin enforcing the local government ethics law, they may need to reevaluate their dealings and outside activities.

Source: Chrystene Wyluda  
Code Development Unit

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## PROTECTING MORE THAN OUR COASTAL RESOURCES

In the last three years, the scope of the Division of Coastal Resources has been expanded through the addition of responsibilities under the new Freshwater Wetlands Protection Act and the transference of Stream Encroachment, Flood Plain Management, and Dam Safety programs to the Division. Indeed, our name is something of a misnomer, since we now regulate development and are involved in environmental and land use issues in every county of the state. One of the major benefits from these organizational changes is the consolidation of the five major land use regulatory programs: Waterfront Development, Coastal Wetlands, CAFRA, Stream Encroachment, and Freshwater Wetlands. Another is the union of the five major engineering, environmental, and construction programs: Shore Protection, Dredging, Flood Plain Management, Harbor Cleanup, and Dam Safety.

The Division of Coastal Resources is one division comprising the Natural and Historic Resources Group of the New Jersey Department of Environmental Protection (DEP), one of the largest state agencies. Its mission is to protect the state's land, water, air, forests, fish, and wildlife. Whatever contact you

(continued on page 4)

(continued from page 3)

have with the DEP, whether it involves applying for a permit, objecting to a project, or seeking funding and technical assistance for your municipality, I hope you will have an opportunity to get to know some of the very talented, dedicated, and interesting people in the Division of Coastal Resources.

Source: John Weingart  
 Director, Division of Coastal Resources

## DIVISION OF COASTAL RESOURCES

Telefax Number: 609/292-8115  
 John Burke, Records Custodian: 609/292-8240

### General Permit Information

(Coastal management, shore protection, CAFRA, dredging, inland waterways, navigation aids, tidelands/reparian lands, coastal wetlands, waterfront development, flood plain management, stream encroachment, dam safety, freshwater wetlands, publications) **Please refer to list below for your particular county of concern or residence.** All numbers are in the 609 area code unless otherwise noted.

	Permits	Enforcement
Atlantic	984-0288	652-0004
Bergen	633-6449	292-1240
Burlington(East)	777-0454	652-0004
(West)	777-0454	292-8203
Camden	292-8262	292-8203
Cape May	292-8262	652-3046
Cumberland	984-0266	652-3046
Essex	633-6449	292-1240
Gloucester	984-0266	652-3046
Hudson	633-6449	292-1240
Hunterdon	633-6754	292-1240
Mercer	777-0454	292-8203
Middlesex	633-6754	292-8203
Monmouth	984-0184	(908)255-0787
Morris	633-9277	292-1240
Ocean (North)	984-0042	(908)255-0787
(South)	984-0288	652-0004
Passaic	633-9277	292-1240
Salem	984-0266	652-3046
Somerset	633-6754	292-1240
Sussex	633-9277	292-1240
Union	633-6449	292-1240
Warren	633-9277	292-1240

Source: The Jersey Coast

## NATIONAL STANDARD PLUMBING CODE CHANGE

The National Standard Plumbing Code Committee has issued an interim amendment to the 1990 NSPC. The effective date is March 4, 1991. The code change amendment is printed below in its entirety. Questions about the amendment may be directed to Michael Baier in the Code Assistance Unit at 609/530-8793.

### 1991 Code Change NSPC Section 10.5.3(E) Effective March 4, 1991

Under ANSI Standards Publication, Appendix F, dated September 9, 1987, the NAPHCC National Standard Plumbing Code Committee held a meeting on Monday, March 4, 1991, and has adopted the following Code Change for inclusion in the 1991 Supplement to the 1990 National Standard Plumbing Code.

p.10-4 Amend Section 10.5.3(E) Devices for the Protection of the Potable Water Supply to read

10.5.3. Devices for the Protection of the Potable Water Supply

E. Heat exchangers used for heat transfer, heat recovery, or solar systems.

1. Heat exchangers shall be separated from the potable water by a double wall construction with a space open to atmosphere between the two walls.
2. EXCEPTION: Heat exchangers may be of single wall construction provided that all of the following conditions are met:
  - a. The heat transfer medium is water or other practically nontoxic fluid having a toxicity rating or class of I, as listed in Clinical Toxicology of Commercial Products, 5th edition.
  - b. The pressure of the heat transfer medium is limited to a maximum of 30 psig by an approved safety or relief valve.
  - c. The heat exchanger is prominently and permanently labeled with instructions concerning items "a" and "b" above.

Source: William Hartz  
 Chief, Bureau of Technical Services

## ON-SITE AGENCY ENFORCEMENT

During recent auditing activity, we have noted deficiencies in municipal contracting activity with private enforcing agencies. One area in which we have found UCC violations are some fees outside the Department Fee Schedule (for example, separate fees for multiple smoke detectors, pool bonding, etc.) The only fees to be charged by private enforcing agencies are those in the state fee schedule (NJAC 5:23-4.20).

We have also found that some municipalities have engaged the services of private enforcing agencies without the benefit of valid contracts. Construction officials using private enforcing agencies can help get their towns back on track by checking their files and ensuring that valid, executed contracts are in effect. If no contract is evident, let the local governing body know to rectify the situation (NJAC 5:23-4.5A).

Since we have found deficiencies with this program, the Bureau of Regulatory Affairs is increasing activity to ensure that violations of the regulations are corrected. All municipal construction officials as administrators of the enforcing agency are asked to cooperate in this activity. Administrative staff in local enforcing agencies that use private on-site agencies may be contacted by Regulatory Affairs during random audits over the next few months. Documents that may be requested include financial and inspection records.

Any inquiries or comments should be directed to Michael Wilfing, Supervisor On-Site Agency Enforcement, or Urmil Deora, Esq., at 609/530-8839.

Source: Michael Wilfing  
Bureau of Regulatory Affairs

## BARRIER FREE ADVOCATES

The Education Unit in the Bureau of Technical Services has updated the list of barrier free subcode advocates. There are now nearly 150 newly trained barrier free subcode advocates in New Jersey. During the past year, the Department held three training sessions and approximately 50 new barrier free subcode advocates were trained at each two-day session.

The list is divided by county and includes the names of all trained advocates willing to serve in that county. In addition, the list includes the names and addresses of the members of the Barrier Free Subcode Committee and the counties in which they are willing to serve as advocates. A preface to the list spells out the role and responsibilities of the advocate. The list has been mailed to each of the county offices on the handicapped and is being prepared for mailing to all construction officials and to the nine independent living centers in New Jersey. You should each receive your list shortly.

Source: Emily W. Templeton  
Code Development Unit

## HANDICAPPED PARKING ACT: THE FINAL UPDATE?

Signed into law on November 29, 1989, the Handicapped Parking Act creates one uniform requirement for marking all handicapped parking spaces whether they are on public or private property. The Handicapped Parking Act requires that two signs be posted at each handicapped parking space: one sign should bear the international symbol of accessibility and the other sign should state the penalties for violation of the restrictions on the space. The law requires that after the June 1, 1990 effective date, the new signs erected should conform to the sign with the international symbol of accessibility from the federal Manual of Uniform Traffic Control Devices (number R 7-8) and a penalty sign designed by the New Jersey Department of Transportation (which DOT numbered R 7-8P). The law also requires that all the handicapped parking signs that were erected before June 1, 1990 must be modified to include the penalty sign by June 1, 1991.

On February 4, 1991, the adoption of the language amending the Barrier Free Subcode to conform to the requirements of the Handicapped Parking Act was published in the *New Jersey Register*. The Barrier Free Subcode now requires that each handicapped parking space be marked with two signs: the R 7-8 sign and the R 7-8P sign. The R 7-8 sign from the federal Manual of Uniform Traffic Control Devices has a white background, with green letters that state "Reserved Parking," and a blue wheelchair, the international symbol of accessibility, appears in the center of the rectangular sign. The penalty sign is white with black lettering. It reads:

**PENALTY**  
**\$100 FIRST OFFENSE**  
**SUBSEQUENT OFFENSES**  
**\$100 MINIMUM AND/OR**  
**UP TO 90 DAYS COMMUNITY SERVICE**  
**TOW AWAY ZONE**

The bottom edge of the major sign (R 7-8) shall be mounted approximately 60 inches from the ground. The sign "Disabled Persons With Valid ID Only" is no longer required.

The purpose of this law is to make it possible for anyone with the authority to issue a parking ticket to ticket cars that violate the restrictions on the handicapped parking space whether that space is on public or private property. Once the space is appropriately marked with both required signs, the increased penalty applies. Erecting the sign is the first step toward effective enforcement.

Source: Emily W. Templeton  
Code Development Unit

## AMERICANS WITH DISABILITIES ACT

Last August, President Bush signed into law the Americans with Disabilities Act. As civil rights legislation, the ADA gives protection from discrimination to people with disabilities, just as earlier civil rights legislation protected people from discrimination on the basis of race, religion, sex, or national origin. Title III of the ADA requires that places of public accommodation may not discriminate on the basis of disability and, therefore, must be accessible.

Although the regulations for the ADA are not final, I thought it would be helpful to sketch the timeframe that is included in the statute. The ADA statute directs the Architectural Transportation Barriers Compliance Board (ATBCB) to draft guidelines that the Department of Justice (DOJ) will use in writing the actual regulations. The ATBCB had already published Minimum Guidelines and Requirements for Accessible Design (MGRAD) that apply primarily to transportation centers. The ATBCB has until April 26, 1991 to update these guidelines. If the guidelines are not updated by April 26, the Uniform Federal Accessibility Standards (UFAS - already in effect for federal and federally funded buildings) will become the interim standard on which the DOJ will base its regulations. The DOJ must publish its regulations by July 26, 1991.

All this sounds very convoluted - and it is. But, because of the Barrier Free Subcode, the ADA regulations will change little in New Jersey construction code enforcement. The MGRAD, UFAS, and the NJ BFSC are all based on the American National Standards Institute standard titled "Providing Accessibility and Usability for Physically Handicapped People" (ANSI 117.1-1988). Although none of these standards is identical to any other, each is similar to the other in that each comes from the same starting point - ANSI 117.1 - and, thus, the provisions of the ADA regulations will be basically the same as those of the Barrier Free Subcode. In fact, the Department anticipates that, once completed, the ADA regulations could become by reference the Barrier Free Subcode of New Jersey.

Designed to cover buildings not covered by the Federal Fair Housing Amendments Act, the Americans with Disabilities Act makes it clear that, by federal law, access to public accommodations will not be regarded as a privilege nor as an opportunity, but, rather, as a basic, universal, civil right.

Source: Emily W. Templeton  
Code Development Unit

## UCCARS: A WORD TO THE WISE

The Uniform Construction Code Activity Reporting System (UCCARS) is now working very well in over 250 municipalities. The program software works. When there is a malfunction, it is usually an equipment problem - often, the WRONG equipment.

When we tested UCCARS, we selected the best equipment package for the program. We then sent that equipment list to every municipality. Recently, we mailed all System I users the equipment specifications for System II and networking. We guarantee the UCCARS programs will work with this equipment.

When you buy equipment other than that specified, and you are told that the modem, printer, tape backup or any other item is just as good as the one we listed and cheaper besides - get it in writing that UCCARS will work on the substituted equipment. If you save \$100 on XYZ printer and the forms come out all wrong, we can't help you. You didn't save \$100 - you probably wasted \$800.

The UCCARS System can save you hundreds of hours on reports and provide an excellent organizational tool for your office - but only if your equipment works!

Source: William Hartz  
Chief, Bureau of Technical Services

## UNIFORM CONSTRUCTION CODE: IS YOUR BLUE BOOK UP TO DATE?

Recently, transmittals 19 through 25 were mailed to all licensed code officials and to those on the subscription service list. The transmittals update the Uniform Construction Code blue books.

If you have not received these transmittals, or if you want more information on the subscription service, please call 609/530-8820 and ask for the Publication Unit.

Source: Cecilia Heredia  
Publication Unit

## MODEM TRANSMITTALS

I'm sure that by now, all municipalities know we are accurately checking the permit and certificate activity reports. If yours are in error, late, or missing, you have probably been contacted by the Bureau of Regulatory Affairs.

About 250 municipalities are using the Uniform Construction Code Activity Reporting Systems (UCCARS), but only about 120 transmit their reports by modem. That means 130 municipalities still do all the paperwork and mail in the reports. Why? You have made the major investment in computer hardware. For a few hundred dollars more you can purchase the modem and necessary software to transmit your reports by phone line. (Equipment: Hayes 1200 or 2400 baud modem, software: Crosstalk XVI by Microstuff).

In addition to transmitting reports by modem, you also have access to the DCA Bulletin Board. Right now we place short messages, code adoptions' effective dates, and other current

information on the Bulletin Board. All of this information can be read or printed in your office. In 1991, the Bulletin Board will be even more effective in communicating between DCA and the local code enforcement office.

Recently, the United States Department of Commerce, Bureau of the Census, notified 119 New Jersey municipalities that they no longer needed to submit a printed federal census report. These were the municipalities using UCCARS and transmitting by modem on a timely basis. Once we received this information, we transmitted the federal census information by modem to the Bureau of Census.

How hard is it to send the reports by modem? First, select the menu item 'Send Data to DCA.' Next, touch the <F2> key, then sit back and let the computer do the rest. It will gather all data, compile it to the proper report format, dial the DCA phone number, transmit the reports, and then mark all of the information so that it cannot be sent again.

Source: William Hartz  
Chief, Bureau of Technical Services

## USING UCCARS

Very early in the initial design stages of the UCCARS system, DCA and OTIS determined that a Maynard tape backup unit would be an integral part of the recommended equipment complement. Hindsight shows the prudence of this decision which has already protected several municipalities from catastrophic data loss.

Unfortunately, all is not rosy - catastrophies have occurred because not all municipalities adhere to this recommendation. Some install less costly units that are not as reliable and not integrated into the UCCARS menus. Some opt to forego this form of data insurance altogether.

What can go wrong? The answer lies in your hard disk drive, which is the sole repository of all programs and all data on your computer. No problem with your programs - they can be reloaded from the floppy disks they came on. But your data files are dynamic; if you do not make a copy of them whenever you change them by entering new data or by updating existing data, you are entrusting the integrity of your department's operations to the reliability of one device - the hard disk drive.

The hard drive is an electromechanical device that continuously spins at 3600 RPM and is built to extreme tolerances. It is by far the most failure-prone component in your computer. And unfortunately, it is a device to which most PC manufacturers and service shops do not pay sufficient homage, simply because good hard drives are more costly to install. When your hard drive fails, any data that was stored on it is generally lost forever (unless, of course, it was backed up). A few municipalities have learned this the hard way. In some cases, nine months,

two years, and even three years worth of work in entering UCCARS data has been completely wiped out. And now there is a new wrinkle: industrial sabotage. One weekend recently, a disgruntled employee wiped out UCCARS, and in doing so, undid three years of data entry!

The recommended procedure is to allocate five tapes for your daily backups, labeling each for a specific day of the week. On Monday, use the Monday tape, etc. For your end-of-week backups, alternate between two different weekly tapes. For your end-of-month backups, alternate between two or three monthly tapes. Remember that the monthly backup procedure copies all files from your hard drive 'C:' to the tape. This means that in addition to UCCARS, everything you have on drive 'C:' is automatically backed up. If you do other work in addition to UCCARS on your PC, we recommend that you skip the 'Weekly' option in the backup menu and instead use the 'Monthly' option each week.

You can ensure that your Maynard tape backup system is operating properly by performing a few simple tests.

First, run UCCARS to perform a daily backup. Leave the tape in the drive when it is finished and exit out of UCCARS to get to the 'C:' prompt. Then run the Maynard tape backup software directly by typing:

```
CD\MAYNARD <Enter>
TMENU <Enter>
```

A menu screen will appear with choices across the top. Cursor over to the choice marked 'Utilities' and hit <Enter>. A new list of choices will now appear; cursor down to the choice marked 'Directory' and hit <Enter>. The names of 13 datafiles that have been backed up should be printed on your screen. Two important files on this list are 'PERMCERT.DBF' and 'PAYMENT.DBF.'

For the next test, cursor back up to 'Utilities,' then over to the 'Verify' choice and hit <Enter>. A list of new choices will appear; cursor down to the choice marked 'Go' and hit <Enter>. Your PC will now reread the datafiles it just backed up from the hard drive, and compare them bit by bit to the copies it wrote onto the backup tape. There should be one discrepancy that shows up for a file named 'SETUP': the time stamp of the tape version will be earlier than the time stamp of the disk version because the backup was done through UCCARS - that's OK. If 'Verify' detects any other differences, you should have your backup system checked immediately.

Maynard recommends that all your tapes be retensioned each year. This can be done by inserting each tape, one at a time, into the tape drive and choosing the 'Tension' selection on the 'Utilities' menu of TMENU. Your PC will then unwind and rewind each tape so that the entire length is wound at a uniform speed and tension.

Source: Stan Kosciuk  
President, Municipal Information Systems

### ETS NATIONAL CERTIFICATION PROGRAM TEST DATES/ CUT-OFF DATES FOR 1991

Test	Registration Deadline
April 20, 1991 .....	March 14, 1991
August 17, 1991 .....	July 11, 1991
November 23, 1991 .....	October 21, 1991

Source: William Hartz  
Chief, Bureau of Technical Services

### CODE BOOKS AVAILABLE

The Building Officials Association of New Jersey now has the new CODE BOOKS available at the following enforcing agency locations.

Montclair, 205 Claremont Avenue  
Al Ward (201/509-4949)

Egg Harbor Township, Bargaintown and Central Avenues  
Robert F. Lemon (609/926-4121)

Oradel, 355 Kinderkamack Road  
Wolfgang Albrecht (201/261-8005)

Denville Township, 1 St. Mary's Place  
Russ Lindsay (201/625-8328)

At present we have the following codes:

BOCA National Building Code/1990  
soft cover ..... \$46.00

CABO One & Two Family Dwelling Code/1989  
soft cover ..... \$25.00

Source: Robert F. Lemon  
Construction Official, Egg Harbor Township

### ZEROS...?

The Department of Community Affairs has one problem that you can help solve if you send in data by modem. The computer does not have the ability to differentiate between "no activity" and "no report submitted." For this reason, you must submit a paper report when there is no activity in either the permit or the certificate reports to prevent your receiving a delinquency letter from us. The impact of not following this procedure is bad records, extra paperwork, and expense for everybody.

Source: Larry Wolford, Research Analyst  
Bureau of Regulatory Affairs

### UNLISTED LIQUIDTIGHT, FLEXIBLE METAL CONDUIT

It has come to our attention that some electrical inspectors around the state are approving installations containing unlisted liquidtight, flexible metal conduit. This material is produced by several different manufacturers and bears markings such as "meets JIC standards" only.

To be acceptable, liquidtight, flexible metal conduit **must** bear the listing mark of a nationally recognized testing laboratory such as UL, CSA, FM, MET, ETL, etc. Acceptance of the unlisted product is a violation of the NEC sections 90-6, 100-2, and 110-3, as well as the UCC regulations in 5:23-3.8A(d)2.i.

All inspectors should examine the listing marks and reject any installations that do not comply. The supply houses should be notified that the sale of the unlisted products is also a violation of both the Uniform Construction Code Act and the Regulations.

Source: Robert A. McCullough  
Chairman, Electrical Subcode Committee

### NEW JERSEY REGISTER ADOPTIONS

Date	Adoption
11/19/90	22NJR 3482(d) Underground Storage Tank Systems Adopted Amendments: NJAC 5:23-1.1 and 3.1. Adopted New Rule: NJAC 5:23-3.11B. 22NJR 3483(a) Permit Exemption for Temporary Greenhouses: NJAC 5:23-2.14 and 3.14.
2/4/91	23NJR 296(a) Barrier Free Subcode Adopted Amendments: NJAC 5:23-7.13 and 7.18.
2/19/91	23NJR 405(b) Gas Utility Meters Adopted Amendment: NJAC 5:23-2.14. 23NJR 406(a) Interpretation: Casino Stools Adopted Amendment: NJAC 5:23-9.6.

The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may be directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. Address changes or subscription questions should be directed to the DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.

## APPLES AND ORANGES

There is a problem out there in River City. The apples and oranges are getting all mixed up. In this case, the apples are the continued certificates of occupancy and the oranges are the documents municipalities are giving for resale inspections. All are being bunched together and reported to DCA. This is not the correct procedure.

Under the Uniform Construction Code, a continued certificate of occupancy is issued upon request by the owner or for ongoing inspections only. It represents that a visual inspection of the structure has been conducted by four subcode inspectors. When the CCO is requested, four technical sections must be completed and routed to each inspector, signed when complete, and the certificate issued by the construction official. If there are any apparent violations, the necessary permits must be obtained. The fee your municipality charges for the CCO should cover your costs for all four inspections.

Many municipalities make the mistake of issuing CCOs for resale inspections. Resale has nothing to do with the Uniform Construction Code. This type of inspection falls under a maintenance code or ordinance that the governing body must establish. Forms must be designed to meet your needs. The UCC certificate form (F260A) is not to be used for this purpose. You have no responsibility for reporting this to the DCA on your monthly report.

We don't want to discourage you from providing this service to your municipality. We just want to clarify the use of and procedure for issuing a continued certificate of occupancy under the UCC. If further clarification is needed, please contact the Bureau of Regulatory Affairs at 609/530-8841.

Source: Bureau of Regulatory Affairs □

## INVALIDATION OF UPLAND WATERFRONT DEVELOPMENT REGULATIONS

On December 26, 1990, the Appellate Division of the Superior Court of New Jersey invalidated the NJDEP's Division of Coastal Resources regulations which controlled development along the coast. The Court found that the Emergency Waterfront Development Regulations which affected properties adjacent to tidal waters in the CAFRA zone exceeded the intent of the Waterfront Development Law of 1914.

In effect, the Appellate Court ruling precludes the NJDEP from regulating activities upland of the mean high water line under the Waterfront Development statute. It also limits that department's upland jurisdiction to that provided by the Coastal Area Facilities Review Act, i.e., 25 residential units or more, major sewer lines, parking areas, etc.

According to Robert Tudor, Assistant Director for Regulation, the DEP has received approximately 1,400 applications since October 3, 1988, when then-Commissioner Daggett first adopted the emergency rule. The Division is now in the process of cancelling applications and advising any applicants who were denied permits that those denials no longer have any force or effect. For those people who got approvals with conditions, the Division is relying on the media and local officials to advise them that those conditions likewise have no force or effect.

At this point, the State jurisdiction is the same as it was before October 3, 1988. Upland Waterfront Development Permits no longer constitute an approval that is needed before a local building permit can be issued. However, the Department continues to regulate activities below the mean high water line for projects such as bulkheads, docks, dredging, and mooring piles, as well as activities regulated under the Freshwater Wetlands Protection Act, Wetlands Act of 1970, and Flood Hazard Area Control Act (Stream Encroachment).

For further information regarding the Department of Environmental Protection's jurisdictional authority, please contact the Division of Coastal Resources, Bureau of Enforcement, at 908/255-0787.

Source: Carrie A. Caluo  
Division of Coastal Resources □

## GAS STATION FLOOR DRAIN EXEMPTIONS

In January all construction officials were mailed an unnumbered FTO explaining that floor drains should not be required for gas stations. The FTO was requested by several major oil companies because recent federal and state standards for hazardous effluent have made it necessary for stations to remove or cap existing drains, and to build new facilities without drains. Hazardous releases through the drains could cause stations to be penalized with fines of up to a million dollars per day.

While the FTO was written to apply to service stations, it can reasonably be extended to other similar vehicle repair and maintenance facilities. The Department is currently investigating how much farther the scope of the FTO should extend to accommodate the new environmental laws. Consideration should be given to reasonable requests to build new facilities without floor drains when they will have hazardous effluents.

Source: Chrystene Wyluda  
Code Development Unit □

**CONSTRUCTION CODE  
COMMUNICATOR INDEX**

At a recent seminar, an inspector told me he saves all of the *Construction Code Communicators*. He said there was a lot of good information and that it was about time we did an index. He was right. (Once again, it was your idea that improved the system!) The index for the eight issues from 1989-1990 appears below. I hope it is helpful.

Source: William Hartz  
Chief, Bureau of Technical Services □

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### FAXING CUT-IN CARDS

Municipal code officials might like to know that one electrical utility has approached the Department about the possibility of inspectors FAXing cut-in cards to expedite electrical hook-ups. The Department is not opposed to this procedure as long as the inspector and employer (municipality, third party agency) have the necessary equipment and can either absorb or pass on fees, plus any additional cost for FAX transmission. No utility may require FAX transmissions, however; their use must be optional.

Source: Chrystene Wyluda  
Code Development Unit

### I CAN SEE YOU !

As a member of the Regulatory Affairs staff, I have observed that many people are having problems with the UCCARS system, primarily in the area of logon procedures. The two computers dedicated to UCCARS are within easy access and visibility of my desk, so if you are experiencing problems getting onto the system, please call 609/530-8838 and ask for Larry Wolford. I will be happy to help in any way possible. My normal working hours are from 9:00am to 5:00pm Monday through Friday.

Source: Larry Wolford, Research Analyst  
Bureau of Regulatory Affairs

### INSPECTOR ASSOCIATION MEETING

Several inspector associations have requested that we print meeting information for their associations. We also thought it was a good idea. In future editions we hope to have other association meeting dates and locations.

#### Tri-County Construction Code Association

Dates: March 27th  
April 24th  
May 29th  
June 26th

Time: 6:00pm

Place: Silver Lake Inn  
Route 30 (White Horse Pike)  
Clementon, New Jersey 08021  
609/783-3300

If you are not a member but would like to attend one of our meetings, please call Raymond Holshue at 609/625-1591.



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# Construction Code Communicator



State of New Jersey  
Jim Florio, Governor

Department of Community Affairs  
Melvin R. Primas, Jr., Commissioner

Volume 3 Number 2

Summer 1991

## 10TH ANNUAL BUILDING SAFETY CONFERENCE

On May 1-3, 1991, the 10th annual Building Safety Conference was held at the Taj Mahal Casino Resort in Atlantic City, New Jersey. While this was not the biggest conference - 608 inspectors and 105 spouses attended - it may have been the best.

On Wednesday evening, May 1, 280 inspectors participated in the Crackerbarrel, a discussion session consisting of 37 round tables and topics to choose from. During the next two days each inspector attended 10 hours of training from the 26 seminars offered at the conference.

The highlight of the conference was the Inspector of the Year Luncheon on Thursday, where Commissioner Primas and the four inspector associations presented awards to the four inspectors of the year. The recipients of these awards were:

Building: Wolfgang Albrecht; Fire Protection: John Lightbody; Plumbing: John Van Gilson; Electrical: Richard "Slim" Faller. Congratulations to all four for their outstanding achievement!



Left to right: Wolfgang Albrecht, John Lightbody, Melvin R. Primas, John Van Gilson, Richard "Slim" Faller

## 1992 BUILDING SAFETY CONFERENCE

The 11th annual Building Safety Conference of New Jersey will be held at the Taj Mahal Casino Resort on April 8-10, 1992. Room rates for next year's conference will be \$85.00 per night, and we anticipate the registration fee to be about \$45.00. Of the inspectors who responded to this year's conference evaluations, a 2-to-1 majority indicated a preference for returning to the Taj Mahal. More information will follow.

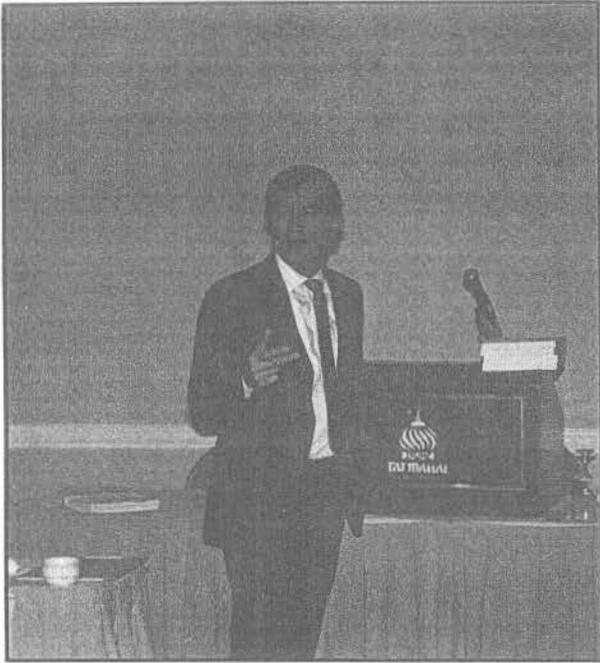
Source: William Hartz  
Chief, Bureau of Technical Services

□

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## 1991 Building Safety Conference of New Jersey

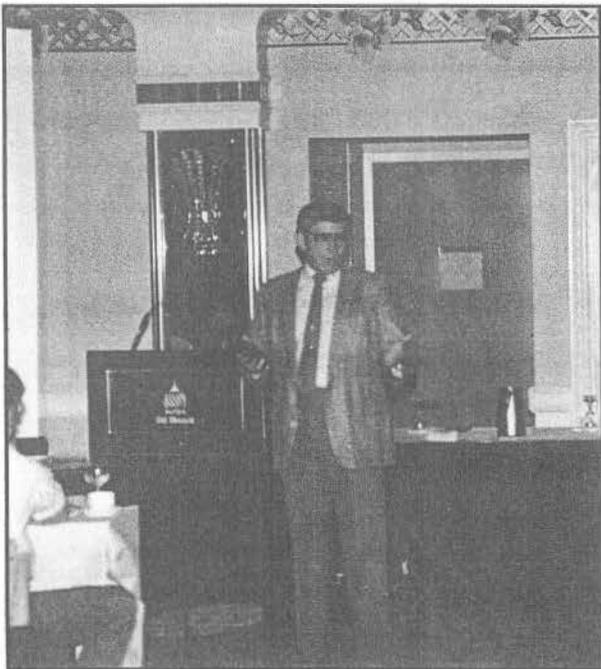


Above: William Merchut instructing "Non-Structural Plan Review."



Above: Russell Lindsay, left, President of the Building Officials of New Jersey, and Wolfgang Albrecht, 1991 Building Inspector of the Year.

Below: James Stallcup instructing "Article 500-Hazardous Locations."



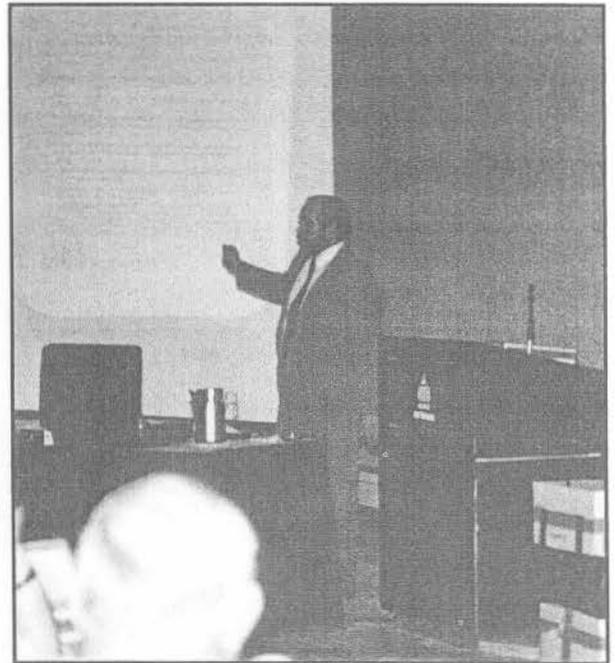
Below: William Schultz, left, President of the Fire Prevention and Protection Association, and John Lightbody, 1991 Fire Protection Inspector of the Year.



### May 1-3, 1991, in Atlantic City, New Jersey



*Above:* Daniel Danyanovitch, *left*, President of the New Jersey State Plumbing Inspectors Association, and John Van Gilson, 1991 Plumbing Inspector of the Year.

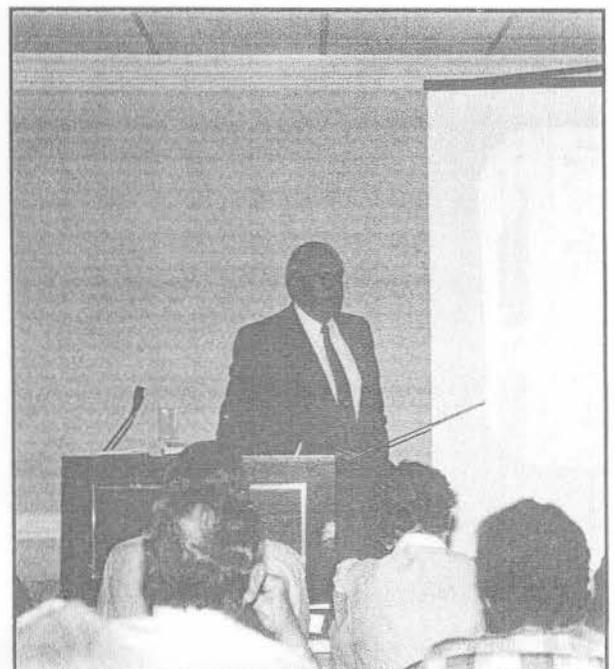


*Above:* Raymond Sebastian instructing "Mechanical Code, Update and Review."

*Below:* Richard Marshall, *left*, President of the Municipal Electrical Inspectors Assn. of New Jersey, and Richard "Slim" Faller, 1991 Electrical Inspector of the Year.



*Below:* Raymond Lynch instructing "Backflow Prevention."



## SPOUSES' PROGRAM

In another successful year, 105 women attended the Spouses' Program of the 10th Annual Building Safety Conference. The Taj Mahal provided an elegant setting for an enjoyable gathering. The events began on the evening of May 1 with the traditional wine and cheese reception that has become a pleasant way to get reacquainted with old friends and to make new ones.

This year's tour group spent a sunny Thursday at Wheaton Village, visiting an authentic, century-old glass factory and museum, the regional craft arcade, and quaint speciality shops. Those who stayed at the Taj for the alternate programs had a hands-on opportunity to design and create paper crepe wreaths, with beautiful results. After the inspector's luncheon, the group took part in a delightful presentation on preparing a professional buffet table display, and received tips on preparing some simple but elegant hors d'oeuvres. Friday morning wrapped up the festivities with coffee, danish, and conversation, followed by a brief overview of interior design.

As always, the group was warm and enthusiastic, and we are already looking forward to next year. Cecilia Heredia, Sharon Roy, and I extend our thanks to these women for a wonderful time and for the honest comments and criticisms that will enable us to provide other entertaining programs in future years.

Source: Joanne McDonald  
Division of Codes and Standards

### TRAINING FEE INCREASE

Effective July 1, 1991, the State of New Jersey training fees on volume of new construction will be raised from \$0.0014 to \$0.0016 per cubic foot. All construction officials were notified of this increase in March by Advisory Notice 1991-2.

Source: William Hartz  
Chief, Bureau of Technical Services

## PRIOR APPROVALS?

Recently, the Bureau of Regulatory Affairs has had the unpleasant duty of investigating allegations of permits being issued without prior approval and in the face of violations of the Soil Erosion and Sediment Control Act. Most problems seem to arise from careless checking of prior approvals, or from a lack of communication and/or cooperation between the parties involved. These situations could be avoided by use of a checklist and a little common sense. A ten-minute review of DCA Technical Bulletin 84-3 may also be helpful.

Source: Michael Wilfing  
Bureau of Regulatory Affairs

## NOTABLE LICENSURE CHANGES

Effective April 1, 1991, the licensure application fee schedule listed on the last page of the Licensing Information Booklet (printed prior to April 1, 1991) has been changed. Fees previously listed as \$30.00 are now \$40.00, and those previously listed as \$10.00 are now \$20.00. Anyone interested in obtaining a copy of the new fee schedule may call 609/530-8803.

Beginning July 1, 1991, the Elevator Inspector and Elevator Subcode Official licenses will become available. In general, three basic requirements are necessary for licensure:

1. acceptable experience;
2. successful completion of an approved educational course; and
3. successful completion of test module 6B-Elevator General.

Please note that proof of successful completion of test module 6B of the National Certification Program for Construction Code Enforcement Inspectors prior to July 1, 1991 will be accepted if the application for licensure is received within three years of issuance of the test results, or by June 30, 1992. Licensure in the elevator subcode area will be required by July 1, 1992 in order to officially review plans, witness tests, and inspect elevators in New Jersey.

As a final note, persons certified by the New Jersey Department of Personnel as elevator inspectors before July 1, 1991, and who are currently employed in this title, will be entitled to the Elevator Inspector license on a provisional basis, pending successful completion of the required course and test within 24 months of the date of provisional licensure. Application forms and all relevant information concerning the Elevator Inspector and Elevator Subcode licenses can be obtained by writing to the Licensing Unit, CN 816, Trenton, NJ 08625, or by calling us at 609/530-8803.

Source: Frank L. Salamandra  
Supervisor of Licensing

## NATIONAL CERTIFICATION TEST DATES

Test Date	Deadline for Registration
August 17, 1991	July 11, 1991
November 23, 1991	October 18, 1991
April 25, 1992	March 20, 1992

For registration forms or more information, please call Educational Testing Services at 609/921-9000.

Source: William Hartz  
Chief, Bureau of Technical Services

## FIRE PROTECTION RCS LICENSE

A proposed UCC licensing change with an expected adoption date of June 1991 would eventually eliminate the Fire Protection RCS license. The responsibilities of the Fire Protection RCS Inspector were always very limited. In fact, they were so limited that a National Certification Test for One and Two Family-Fire Protection could not be developed.

The expected licensure changes are outlined below for your information:

1. No new Fire Protection Inspector RCS licenses will be issued after July 31, 1991.
  - A. Those who satisfy all Fire Protection RCS requirements and whose applications are approved prior to that date will be awarded the license.
2. Those who presently hold a Fire Protection Inspector RCS license should consider upgrading that license to the ICS level prior to July 31, 1993. As of that date, the Fire Protection RCS license will cease to be a valid license in the State of New Jersey.
  - A. In order to upgrade, you must complete the Fire Protection ICS course (note exemption in NJAC 5:23-5.14 (b), 1. for those with related degrees).
    - i. This course will remain a 90-hour course through the fall of 1991.
    - ii. Effective January 1, 1992, this course will become a 120-hour course even for those who have completed the 45-hour Fire Protection RCS course. Note: we will attempt to have several institutions concurrently offer the 90- and 120-hour Fire Protection ICS courses. This will, at best, be a limited number of schools; therefore, your best opportunity is to complete the 90-hour course in fall 1991.
  - B. In addition to the course requirements, you must also complete test modules 3B-Fire Protection General and 4A-Mechanical One and Two Family of the National Certification Program for Construction Code Inspectors.
  - C. Finally, you must also satisfy the experience requirements as stated in NJAC 5:23-5.14(a).

This is a change that will benefit code enforcement and life safety in New Jersey. If you have questions about course offerings, see page 6 for a list of colleges that offer our programs. Other questions may be addressed to the Licensing Unit at 609/530-8803.

Source: William Hartz  
 Chief, Bureau of Technical Services

## CONSTRUCTION CODE COURSE HOURS

Over the last several semesters many of our construction code instructors have indicated that there is not enough time to cover all the material in their courses. As a result, a proposal to change the course hours has been published in the *New Jersey Register* (4/15/91). The changes follow:

Course	Old	New
Building Inspector RCS	45 hours	60 hours
Building Inspector ICS	60 hours	90 hours
Building Inspector HHS	90 hours	60 hours
Plumbing Inspector HHS	30 hours	60 hours
Electrical Inspector HHS	30 hours	45 hours
Fire Inspector ICS	90 hours	120 hours
Fire Inspector HHS	30 hours	60 hours

Two courses will remain the same:

Plumbing Inspector ICS	90 hours
Electrical Inspector ICS	60 hours

Please note the reduction in hours in the Building Inspector HHS course, which results from transferring the responsibility for Article 10 to the fire protection inspectors.

The courses starting in the fall semester will conform to the new hour requirements, with the exception of Fire Protection ICS. The new 120-hour course will be introduced January 2, 1992. If you have any questions on course content or the required hours, please call the Education Unit at 609/530-8798.

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

## PUBLIC NOTICE

Take notice that the 1990 and 1991 supplements to the CABO One and Two Family Dwelling Code/1989 and the 1991 Supplement to the National Standard Plumbing Code/1990 are now available. The effective date for the use of these model codes in New Jersey is hereby set at May 20, 1991, pursuant to the State Uniform Construction Code Act (NJSA 52:27D-123b.) which provides that "the initial adoption of a model code or standard as a subcode shall constitute adoption of any subsequent revisions or amendments thereto." Proposed amendments containing all necessary technical and editorial changes will be published in the *New Jersey Register*.

Source: William Hartz  
 Chief, Bureau of Technical Services

## COMMUNITY COLLEGE COORDINATORS

### Atlantic Community College

**Coordinator:** James Foran  
**Address:** Black Horse Pike  
Mays Landing, NJ 08330  
**Telephone:** 609/343-5114

### Bergen Community College

**Coordinator:** John Riismandel or Eileen Sutherland  
**Address:** 400 Paramus Road  
Paramus, NJ 07652  
**Telephone:** 201/447-7150

### Brookdale Community College

**Coordinator:** Maureen Sherman  
**Address:** Newman Springs Roads  
Lincroft, NJ 07738  
**Telephone:** 201/842-1900, Ext. 304

### Burlington County College

**Coordinator:** Diane Cooke or Mary Angell  
**Address:** Pemberton-Browns Mills Road  
Pemberton, NJ 08068  
**Telephone:** 609/894-9311, Ext. 478

### Camden County College

**Coordinator:** Matt Davies  
**Address:** P.O. Box 200  
Blackwood, NJ 08021  
**Telephone:** 609/227-7200, Ext. 254

### Cumberland County College

**Coordinator:** Mike Zaccaria  
**Address:** P.O. Box 517  
Vineland, NJ 08360  
**Telephone:** 609/691-8600, Ext. 342

### Essex County College

**Coordinator:** Carl Weininger or Nora Rappel  
**Address:** 303 University Avenue  
Newark, NJ 07102  
**Telephone:** 201/877-3439 (Newark)  
201/228-3971 (W. Caldwell)

### Gloucester County College

**Coordinator:** Ed Vickner  
**Address:** R.R. 4, Box 203  
Tanyard Road  
Sewell, NJ 08080  
**Telephone:** 609/468-5000, Ext. 254

### Mercer County Community College

**Coordinator:** Pat Johnson or Marga Dillow  
**Address:** 1200 Old Trenton Road  
Trenton, NJ 08690  
**Telephone:** 609/586-4800, Ext. 241/281

### Middlesex County College

**Coordinator:** Lynn Lederer  
**Address:** The Institute, Raritan Center  
98 Northfield Avenue  
Edison, NJ 08818  
**Telephone:** 908/417-0690

### County College of Morris

**Coordinator:** Bruce Perkins  
**Address:** Route 10 and Center Grove Road  
Randolph, NJ 07869  
**Telephone:** 201/328-5180

### Ocean County College

**Coordinator:** Debra Speaker or Josette Peterson  
**Address:** College Drive  
Toms River, NJ 08753  
**Telephone:** 201/255-4000, Ext. 2268

### Raritan Valley Community College

**Coordinator:** Charles Speierl or Mary Kampolattano  
**Address:** F.O. Box 3300  
Somerville, NJ 08876  
**Telephone:** 908/256-1200, Ext. 367

### Union County College

**Coordinator:** Joanne La Perla or Roseann Bucciarelli  
**Address:** 1033 Springfield Avenue  
Cranford, NJ 07016  
**Telephone:** 908/709-7603

Source: Larry Wells

Program Developmental Specialist II  
Bureau of Technical Services

□

## UCCARS SYSTEM II FEE SCHEDULE

For those of you who will be upgrading from System I to System II, it is most important to prepare for System II by examining your fee schedule. The closer your fee schedule is to the DCA recommended fee schedule, the easier and more successful your transition will be. Remember, your numbers don't have to match the numbers in the DCA recommendation. What counts is the method by which the fees are calculated, or the formulas that are used.

You might say the DCA fees are too high or too low compared to what your office must charge. That's OK — you adjust the rates used to calculate the fees when you install System II. You can even adjust the values of breakpoints. For example, you can change "1-25 outlets" to "1-10," or "1-50." In fact, you can change any rate or breakpoint in the System II fee schedule; but you cannot alter the method of calculation.

The fee schedules for any subcode inspected by an outside inspection agency should be correct, because inspection agen-

cies use the state fee schedule. In reviewing your fee schedule, you should be looking for those "special" fees that you or your predecessor might have incorporated. You should also check for incremental fees. For example, rather than grouping smoke detectors into quantities of 1-10, 21-50, etc., you might be charging a flat fee for each detector. Check NJAC 5:23-4.20 for the method of calculation and remember, all monetary amounts and increments may be changed. Note that minimum fees should be applied individually to each subcode rather than to the overall permit.

Municipalities that have been the most successful in upgrading to System II are those that have done their homework ahead of time. They have carefully reviewed their fee schedules and have aligned their methods of calculations with the recommended methods.

Source: Stan Kosciuk  
 President, Municipal Information Systems □

### ALTERATIONS: THE CORRECT FEE?

A question frequently raised at seminars, as well as in the office, is the correct method of calculating fees for alterations, renovations, and repair. NJAC 4:23-4.18(c) states that fees shall be computed based on the estimated construction cost and the number and type of plumbing, electrical, and fire protection fixtures or devices. The fee shall be computed as a unit rate per \$1,000 of estimated **building** cost plus a fee per unit rate for fixtures and devices.

This regulation **DOES NOT** mean that the cost of the entire project, including building, plumbing, electrical, and fire, is first estimated and assessed a unit rate per thousand, and then, **in addition**, a unit rate for each plumbing, electrical, and fire protection device/fixture assessed on top of that. The correct method is as follows:

An alteration has an estimated cost of \$50,000 for building work, \$5,000 for electrical work, \$4,000 for plumbing, and \$3,000 for fire protection work. Specifically, 35 electrical devices, 12 plumbing fixtures, and 10 sprinkler heads are being installed.

The local fee ordinance specifies a cost of \$8 per \$1,000, up to an estimated cost of \$100,000, \$15 for 1-50 electrical receptacles or fixtures, \$5 per plumbing fixture, and \$25 for 20 or fewer sprinkler heads. Hence, the fee is computed as follows.

Estimated cost of <b>building</b> work:		
\$50,000 @ \$8 per \$1,000 = \$8 x 50	=	\$400.00
Plumbing: 12 fixtures @ \$5	=	\$60.00
Electrical: 35 fixtures	=	\$15.00
Fire protection: 10 sprinklers	=	\$25.00
Certificate of occupancy (flat fee)	=	\$35.00
<b>Total cost of construction permit:</b>		<b>\$535.00</b>

No training fee is charged, as that applies only to volume of new construction. We hope that this will clear up any misunderstandings. If you still have questions, though, call the Bureau of Regulatory Affairs at 609/530-8838.

Source: Gerald Grayce  
 Bureau of Regulatory Affairs □

### INSTALLATION OF UNDERGROUND CONDUITS

Until recently, controversy has surrounded whether or not the licensed electrical contractor alone has the statutory authority to install underground conduits for electrical conductors on private property, exterior to the building.

In February 1991, Attorney General Robert J. DeLufo ended the controversy by establishing that the type of work involved in laying underground conduits, exterior to the building and without handling either energized or non-energized electrical conductors, is not electrical contracting work under the Electrical Contractor's Licensing Act of 1962. Such work does not demand any special electrical expertise other than basic construction skills. Given the fundamental construction nature of the work, the Attorney General's office advised the Board of Licensing of Electrical Contractors that those engaged in such activities are not subject to the licensing and business permit requirements explicit in NJSA 45:5A-9. The work is subject to the other requirements of the UCC, however, including construction permits and inspections.

Source: Ashok K. Mehta  
 Principal Engineer □

### ON-SITE INSPECTION SERVICE CONTRACTS

During recent random auditing activity, we noticed that many municipalities have been contracting with on-site inspection agencies for inspection services without going through a competitive bidding process. Municipalities instead are referring to these services as "professional services," which are exempt from competitive bidding under the local public contracts law (NJSA 40A:11-1 et seq.).

As interpreted by the Superior Court of New Jersey in "Burlington Twp. vs. Middle Department Inspection Agency," 175 NJ Super 624 (law division 1980), the Department considers that these subcode inspection services do not meet the intent and spirit of the "professional services" exemption nor the "extraordinary unspecifiable services" exemption contained in NJSA 40A:11-2(6), (7), and 5(1)(a)(i) of the local public contracts law. In this ruling, the court held that electrical inspection and enforcement services were neither "professional services" nor

(continued from page 7)

"extraordinary unspecifiable services," and hence, required contracts to be awarded by competitive bidding.

NJAC 5:23-4.14(3) requires a contract to be executed between the on-site inspection agency and a municipality before the on-site agency can enforce any subcodes in that municipality. Under the local public contracts law, on-site inspections undertaken by private agencies are exempt only from the requirement of public advertising for bids. In other words, a municipality wishing to use an on-site inspection agency is not required to advertise in a newspaper for competitive public bidding. The municipality must, however, follow the selection criteria as contained in NJAC 5:23-4.5A, and must request written, sealed proposals from each authorized on-site agency before selecting and appointing an agency to act as a subcode official for the subcode(s) to be contracted.

A list of authorized on-site agencies is available from the Department. In addition, construction officials are reminded to maintain records of all written proposals and related documents which are open for Departmental review and audit, and for public inspection during business hours (NJAC 5:23-4.5(3)).

Source: Urmil Deora, Esq.  
Bureau of Regulatory Affairs

## SUBCHAPTER 8: ASBESTOS

At its first meeting in June 1989, the New Jersey Asbestos Review Committee (NJARC) was given its charges: to analyze and offer specific changes to Subchapter 8, and to draft a regulatory proposal for the abatement of asbestos in occupied buildings. Composed of representatives of Asbestos Safety Control Monitor (ASCM) firms, asbestos hazard abatement contractors, public members, and representatives of the Department of Health and the Department of Community Affairs, the committee approached its assignment through wide-ranging discussions of Subchapter 8, which began with definitions and continued topically through the subchapter. The committee was aware that it was breaking new ground in drafting regulations for asbestos hazard abatement in occupied buildings, and it proceeded with a conservative and detailed proposal. The NJARC recommendations were submitted to the Department in November 1990.

Department staff has undertaken a thorough review and is currently drafting regulatory language to reflect many of NJARC's recommendations. This process is expected to be completed over the summer. The revisions and additions to Subchapter 8 should be ready for proposal in the *New Jersey Register* in the fall. Following publication, a public hearing will be held as part of the public comment period.

Source: Emily W. Templeton  
Code Development

## THE AMERICAN WORK ETHIC -- BACKLASH

No one faults those willing and able to work an extra job to bring home an extra dollar. When one individual has to clone a twin to get all the work done, though, questions are raised.

Heads up, folks. Your credibility as a competent inspector gets stretched when you have two full-time and six part-time towns. Situations like this hypothetical one are being brought to the attention of Regulatory Affairs.

"Windshield" inspections don't cut it.

Eleven pm inspections don't cut it.

Simultaneous hours in two towns ten miles apart don't cut it.

### NJAC 5:23-2.29 (Entry)

(b) "...All inspection...shall be between the hours of 9:00 am and 5:00 pm on business days, or when construction is actually being undertaken; provided, however, that inspections may be conducted at other times if the enforcing agency has reasonable cause to believe that an immediate danger to life, limb, or property exists, or if permission is given by an owner, or his agent..."

When Regulatory Affairs gets a complaint that the above UCC provision is being violated, and/or it is patently impossible, given the permit activity in those municipalities, for an official without a twin to do the job, we will put the official on notice by way of a warning letter to adjust the hours worked to achieve compliance.

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

The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may be directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. Address changes or subscription questions should be directed to the DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.

## CONFLICT OF INTEREST: OPEN PERMITS

Licensed officials should be aware of the pitfalls of the "open permit" problem. This situation arises when a licensed official who has an ongoing construction-related business assumes a position in a municipal enforcing agency located in the area where his or her business is conducted. Invariably, such an individual will have open permits either in the municipality in which he or she is to be employed or in an adjacent municipality. If the official completes these projects after becoming an employee of the enforcing agency, he or she is in violation of the conflict of interest regulation of the Uniform Construction Code.

The open permit problem can be dealt with in two ways:

1. The official can transfer the open projects to another contractor by filing a Notice of Permit Update with the appropriate enforcing agency. If these transferred projects are in the municipality where the official is to be employed, he or she should refrain from all future code enforcement related to these projects.
2. The official can see that all outstanding projects which have the potential for conflict are completed before assuming the municipal position.

Licensed officials can avoid problems by following these procedures. If there are any questions about a particular course of action related to this issue, licensed officials are urged to contact the Bureau of Regulatory Affairs for guidance.

Source: Robert Hilzer  
Bureau of Regulatory Affairs

## R-11 OR R-30?

We code officials are engaged in enforcing and administering professional building regulations for the protection of public health, safety, and welfare. It is our responsibility to enforce the construction requirements for fire safety, structural integrity, sanitation, and durability. Because we are so preoccupied with these major issues, we sometimes give less attention than we should to regulations such as the BOCA National Energy Conservation Code/1990.

The Energy Subcode Committee has developed an excellent manual which contains illustrations of prototypical designs, example calculations, a checklist and applications to be copied, all of which help clarify the energy code. To further clarify its use, you may attend training seminars where you will receive a copy of the manual, or you may order the manual and application form for \$6.00 from the DCA Publication Unit [see page 10].

Source: Pat J. Intindola  
Energy Subcode Committee Member

## HOW OPEN IS A PUBLIC RECORD?

A. With certain unrelated exceptions, any record required by law to be made, maintained, or filed by any public agency or official is a public record (NJSA 47:1A-2).

B. The construction official is the custodian of construction-related records in a municipality. File copies of all documents (including plans) in connection with building operations "shall be retained" in the official records (NJAC 5:23-4.5).

C. The files and records of the municipal enforcing agency "shall be open" to . . . public inspection during normal business hours (NJAC 5:23-4.5(a)3).

A+B+C = Construction office records have to be made available to members of the public for review. Upon request, copies of documents must be made (fees can be set by the municipality, or by NJSA 47:1A-2). Public documents include plans, which are part of the public record. Reasonable arrangements must be made by the construction office when these situations arise to provide the records desired by the individual or individuals requesting copies.

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

## ELECTRICAL AND PLUMBING CONTRACTORS

The State Board of Examiners of Electrical Contractors and the State Board of Examiners of Master Plumbers would like to alert electrical and plumbing inspectors to insist on seeing a current contractor ID. For plumbing contractors, the current biennial licensing period ends on June 30, 1991. The new ID card will be issued for July 1, 1991 to June 30, 1993. For electrical contractors, the triennial licensing period is from April 1, 1991 through March 31, 1994.

If you have questions concerning a contractor or the validity of a license, please call the Board of Examiners of Master Plumbers at 201/648-3310, or the State Board of Examiners of Electrical Contractors at 201/648-2058.

Source: Christine T. DeGregorio  
Executive Director,  
Board of Examiners of Electrical Contractors and  
State Board of Examiners of Master Plumbers

### ENERGY SUBCODE COMPLIANCE MANUALS AVAILABLE

Thanks to outstanding effort on the part of the Energy Subcode Committee, the new Energy Subcode Compliance Manual and separate Application Form are now available. These manuals are given out at the Energy Training Seminars conducted by the Education Unit of this Department, or you may send a check for \$6.00 made payable to Treasurer, State of New Jersey, to:

DCA Publication Unit  
Attn: Cecilia Heredia  
CN 816  
Trenton, NJ 08625-0816

You must include a note requesting the Energy Compliance manuals and a mailing address.

Source: William Hartz  
Chief, Bureau of Technical Services

### NEW JERSEY RADON HAZARD SUBCODE, CHAPTER 10

Alert! Two TRAINING opportunities to learn about the Radon Hazard Subcode remain for the summer. If you haven't already signed up, there are spaces available on Friday, July 12, and Thursday, August 9. Classes are held at the Eastern Regional Radon Training Center on the Kilmer Campus of Rutgers University in Piscataway. Please call the Education Unit 609/530-8798 and request seminar A075 if you would like to reserve a space.

Originally this seminar was open only to construction officials working in municipalities located in a Tier One zone. Now other licensed officials are invited to attend, including subcode officials. This is an opportunity to receive detailed training in the provisions of this subcode, with particular emphasis on the recognition of proper implementation and installation. Please call for a reservation.

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

### VOUCHER SNAPSHOTS

You've been a working official in a town for many years and you are ready to retire. The town has been more than pleased with your performance and asks you the favor of coming in from retirement for just a few hours a week to help out. They'll pay you by voucher so as not to interfere with your pension benefits. You are flattered, pleased with the prospect of a little extra income, and you agree.

**You have now become an illegal private on-site agency subject to punitive action by the Department.**

The official from a municipality approaches you with a request to give a few hours a week of your time. There's a civil service list for the job, but he doesn't like the guy who's number one on the list. You need the work, so you agree to work on a voucher basis. That way, it won't show up on the books as an appointment.

**You have now become an illegal private on-site agency subject to punitive action by the Department.**

A subcode official in a town is quitting. The governing body needs to hire someone, but they don't want to commit to a four-year appointment (the town is non-civil service). You are asked to come in for a while on a trial basis. They will pay you by voucher on a professional services basis until such time as they want you permanently. You agree.

**You have now become an illegal private on-site agency subject to punitive action by the Department.**

The common thread in these "snapshots" is the system of payment by voucher. When proposed, this should alert you to a potential problem.

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

### NEW JERSEY REGISTER ADOPTIONS AFTER 2/19/91

DATE	ADOPTION
3/4/91	23NJR 777 Public notice: Adoption of 1991 supplements to the 1990 BOCA National Building and Mechanical Codes (effective 3/4/91).
4/1/91	23NJR 1028(b) Certificate of Occupancy Requirements Adopted Amendment: NJAC 5:23-2.23 (effective 4/1/91). 23NJR 1029(a) Fees Adopted Amendments: NJAC 5:23-4.19, 4.20, 4.21, 4.22, 4A.12, 5.21, 5.22, 8.6, 8.10, 8.18, and 8.19 (effective 4/1/91).
4/15/91	23NJR 1127(b) Barrier-Free Subcode Platform Lifts Adopted Amendments: NJAC 5:23-7.18 (adopted 3/19/91, effective 4/15/91).
5/6/91	23NJR 1465(a) Public notice of Annual Code Change hearing on June 14, 1991, 9:30 am, 3131 Princeton Pike, Lawrenceville, Building 3.
5/20/91	23NJR 1706(b) Public notice: Adoption of 1990 and 1991 amendments to the CABO One and Two Family Dwelling Code/1989 and the 1991 Supplement to the National Standard Plumbing Code/1990 (effective 5/20/91).

Source: Maria Roth  
Code Specialist

## LOCAL GOVERNMENT ETHICS LAW

On February 20, 1991, Governor Florio signed into law PL 1991, c.29, the Local Government Ethics Law. Among the local government officers and employees whom it affects are the construction and subcode officials, fire officials, and inspectors who enforce the construction and fire codes.

Counties and municipalities may establish their own codes of ethics and ethics boards or may, by default, leave those functions to the Local Finance Board of DCA's Division of Local Government Services. All local government officers and employees subject to the ethics jurisdiction of the Local Finance Board are required to comply with the following provisions that are relevant to code enforcement personnel:

1. No local government officer or employee or member of his or her immediate family (spouse or dependent child residing in the same house) shall have an interest in a business organization, or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest;

2. No local government officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself/herself or others;

3. No local government officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or a business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment;

4. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties;

5. No local government officer or employee, member of his or her immediate family, or business organization in which he or she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties;

6. No local government officer or employee shall use, or allow to be used, his or her public office or employment, or any information not generally available to the members of the public, which he or she receives or acquires in the course of and by reason of his or her office or employment, for the purpose of curing financial gain for himself/herself, any member of his or her immediate family, or any business organization with which he or she is associated;

7. No local government officer or employee or business organization in which he or she has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he or she serves — with an exclusion being made for official labor union responsibilities.

In addition, local government officers [those who are managerial executives or confidential employees as defined in the New Jersey Employer-Employee Relations Act (see NJSA 34:13A-3)], as opposed to employees, are required to file annual financial disclosure statements, identifying all sources of income in excess of \$2,000 received by the officer or a member of his or her immediate family during the preceding calendar year. Exceptions are made for publicly traded securities and individual client fees or commissions received through a business organization. A person who is a "managerial executive" for purposes of the New Jersey Employer-Employee Relations Act, PL 1941, c.100 (NJSA 34:13A-3) is subject to this requirement.

A local government officer or employee who is found by the Local Finance Board or a local ethics board, as the case may be, to have violated the requirements of the statute, or of any local ethics code, is subject to a civil penalty of not less than \$100 or more than \$500 and to removal, suspension, demotion, or other disciplinary action by the officer or agency having the power of removal or discipline. Hearings before the Local Finance Board or a local ethics board under the Act are to be conducted in accordance with the rules and procedures provided for hearings by a State agency under the Administrative Procedure Act.

Source: Michael Ticktin  
 Chief, Legislative Analysis  
 Department of Community Affairs □

## MOST ACTIVE MUNICIPALITIES

The towns most active in terms of new construction are listed below by county. This list is based on information reported by municipalities to DCA as of May 7, 1991.

Atlantic .....	Egg Harbor Twp.	Middlesex ..	Edison
Bergen .....	Haworth	Monmouth .	Tinton Falls
Burlington ....	Shamong	Morris .....	Parsippany-Troy Hills
Camden .....	Winslow	Ocean .....	Brick
Cape May .....	Lower Twp.	Passaic .....	Wayne
Cumberland ..	Vineland	Salem .....	Carneys Point
Essex .....	East Orange	Somerset ....	Bridgewater
Gloucester ....	Harrison	Sussex .....	Vernon
Hudson .....	Kearny	Union .....	Union Twp.
Hunterdon ....	Raritan	Warren .....	Independence
Mercer .....	Hamilton		

Source: Larry Wolford  
 Bureau of Regulatory Affairs □

# Construction Code Communicator



State of New Jersey  
Jim Florio, Governor

Department of Community Affairs  
Melvin R. Primas, Jr., Commissioner

Volume 3 Number 3

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## “WHO’S THE BOSS?” The J. P. Properties Decision

At least once or twice a week, I talk with someone, either a municipal government official or a DCA licensed official, about a court case called *J. P. Properties, Inc., v. Macy*, 183 NJ Super 572 (Law Div. 1982). This discussion occurs when the question arises of “who monitors the activities of employees of the code enforcement office.” This article is intended to answer some questions on the subject of that case, the licensed official’s dual status as both an employee of a municipality and a licensee of the DCA.

What does a reasonable construction official do when the mayor, town manager, or other municipal official “orders” issuance, for example, of a permit, but the UCC prohibits issuance because of a missing prior approval or some other problem?

I’m not surprised by the amount of apparent confusion on this issue. The licensed official working for a municipality wears two hats (often more than two!). He (hereafter used in the generic for editorial convenience, ladies) is a paid employee of the municipality and answerable only to his municipal employer for certain actions. And he is a licensee answerable only to the DCA for other kinds of actions.

On different occasions, mayors have told me, “I’m calling you because he said only DCA can investigate me (alleged misuse of a town car);” or “he is arrogant and rude to the people who come in for permits and we can’t do anything about it.” Or, on the other hand, the code official will complain: “the mayor called me on the carpet for issuing this permit, and I think they’re trying to fire me”; and “I didn’t issue the permit because I didn’t have a zoning sign-off, and I just got a reprimand from the town administrator.”

These examples are backwards. That is, they show the municipality going outside its authority to “enforce” the Code — a DCA prerogative — and backing off from investigation of matters involving employee behaviors that are within its prerogative because it thinks only the DCA can do it.

The J. P. Properties decision provides some guidelines to licensed officials and their employers about the placement of that grey line between employer and licensing authority. The

dispute that ended up in court revolved around a township’s attempt to issue a stop work order independent of the appointed construction official. The township also attempted to bring charges against the construction official for UCC- (and some non-UCC-) related activities.

The court decision actually divided the charges between two categories: those over which the township manager had no jurisdiction (“DCA-only”), and those over which the township manager had jurisdiction.

Some examples of the “DCA-only jurisdiction” charges are:

- Authorizing construction without a zoning or construction permit;
- Negligent failure to require proper foundation anchorage;
- Failure to notify any other official or employee of the township of the receipt of plans and fees;
- Failure to enforce the Soil Erosion Act;

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Issuing a permit without proof that water and sewer permits were obtained.

Some examples of the "township jurisdiction" charges are:

- Failure to safeguard plans and checks;
- Harassment of a township official and employee;
- Failure to cooperate with municipal officers and employees;
- Zoning matters.

The Department has exclusive jurisdiction to investigate matters dealing with code enforcement in a municipality, and, as you know, uses Regulatory Affairs staff to do so. The municipality as well, although it must refer code enforcement problems to the Department, has some control over code officials. Code officials are also employees of the municipality. In their status as employees, they are subject to the requirements of an ordinary employer-employee relationship. Municipal government cannot dictate to employees of the code enforcement office on issues of permits, certificates of occupancy, or other Uniform Construction Code matters. When there is a question or controversy about a UCC issue, the Department can be called, and we will try to answer questions, resolve the issue, or, if the problem merits, open an investigative case.

Municipal government can and should, however, deal with all other issues over which the Department has no jurisdiction. Misuse of municipal property, persistent absence or lateness, poor dealings with the public, etc., are a very few examples of the types of employee behavior that should not be tolerated by any employer.

The Department will look into code enforcement issues when they arise. The municipality should look into non-code enforcement issues when they arise.

Source: Vivian Lopez, Esq.

Chief, Bureau of Regulatory Affairs



### **NJIT PROGRAM: REHABILITATIVE ENGINEERING**

New Jersey Institute of Technology (NJIT) has established a certificate program in Rehabilitation Engineering Technology. The two-year program trains graduates to use technology to improve the lives of disabled persons. It includes internships working with disabled clients at rehabilitation facilities.

NJIT was recently awarded a grant by the US Department of Education to assist with the program. The grant pays full tuition and expenses, plus a small stipend, for ten students per year. NJIT is now accepting applications, in particular from disabled individuals. For further information on the program, please contact Dr. Frank Dolan at 201/596-5673.

Source: Frank Dolan

New Jersey Institute of Technology



### **ELEVATOR SAFETY PROGRAM- REGISTRATION OF ELEVATOR DEVICES**

The latest addition to the Uniform Construction Code is Subchapter 12, entitled "Elevator Safety Subcode." The regulations appeared as a proposal in the *New Jersey Register* of March 18, 1991. A public hearing took place on April 17, 1991, and the final adoption notice of these regulations appeared in the *New Jersey Register* of July 1, 1991, becoming effective on the same day.

Section 12.4, entitled "Registration of Elevator Devices," stipulates the requirements for registration, which are appended below:

1. The owner of every existing structure containing one or more elevator devices, other than a structure in Use Groups R-3 or R-4, shall register each elevator device with the Department on or before July 1, 1992.
2. For the purpose of registration of elevator devices, the owner shall use the form prescribed by the Department.
3. The registration form shall include the following information:
  - a. The identification or code number for each individual device;
  - b. The name of the device's owner or the owner's representative;
  - c. The mailing address and phone number of the person listed in 3(b) above;
  - d. The street address of the building or structure, including lot and block number, where the device is located;
  - e. The type of device;
  - f. The vertical travel of the device in number of feet and stories, or horizontal feet of travel of the walk or other device;
  - g. The rating load of the device in pounds;
  - h. The occupancy load in number of persons;
  - i. The speed of the elevator in feet per minute;
  - j. The manufacturer of the device;
  - k. The date of installation, if known, and date of last inspection performed; and
  - l. Special devices, such as (but not limited to) oil buffers, counter-weights, governors and safeties, and auxiliary power generators.

Soon the Department will mail the Notice of Application of Registration to owners of existing structures for which the information has already been collected from the data available with the Bureaus of Fire Safety and Housing Inspection. The

Department will use other sources to collect the information pertaining to buildings with elevator devices, and will then mail the application of registration accordingly.

After the information has been collected and is considered complete for the participating municipality, we will forward this to the construction official. We will request the construction official to review this information and compare it with his or her records, and then add/modify our list in order for us to have an updated list to be used for registration purposes.

The fee for registration has been set at \$50.00 for each elevator device (reference 12.5).

Source: Paul Sachdeva  
 Manager, Elevator Safety Unit

### HOW TO GET AN ELEVATOR INSPECTOR LICENSE

Beginning July 1, 1991, the Elevator Inspector-HHS (specialist in high-rise and hazardous structures) and the Elevator Subcode Official licenses became available in the State of New Jersey, and will be required by July 1, 1992 in order to assume elevator construction code enforcement responsibilities.

Three requirements are necessary for the Elevator Inspector HHS license:

1. Experience relevant to the Elevator Subcode;
2. An approved Elevator Inspector-HHS course or its acceptable equivalent as determined by the Department; and
3. Test module 6B of the National Certification Program for Construction Code Enforcement Inspectors.

Exceptions to the course requirement, and a waiver or reduction of the usual number of years of experience ordinarily required for licensure will depend on an applicant's possession of either a relevant college degree or licensure or registration as a New Jersey professional engineer or architect.

Upon receipt of the license application and fee, a provisional Elevator Inspector-HHS license will be temporarily granted to persons certified as an Elevator Inspector by the New Jersey Department of Personnel prior to July 1, 1991, and currently employed in this certified title. These persons will, however, be required to successfully complete the approved Elevator Inspector-HHS course and test module 6B within two years of the date of provisional licensure.

To qualify for the Elevator Subcode Official license, the applicant must first possess or qualify for the Elevator Inspector-HHS license, and substantiate additional years of relevant experience. The number of additional years of experience required will depend on possession of a relevant college degree

or licensure or registration as a New Jersey professional engineer or architect.

In conclusion, it should be noted that all experience required for these licenses must be clearly related to the Elevator Subcode, specifically, elevator construction, design, repair, and/or inspections.

Anyone interested in obtaining an application and complete details concerning the Elevator Inspector-HHS and Elevator Subcode Official licenses should call 609/530-8803, or write to:

Licensing Unit  
 Bureau of Technical Services  
 CN-816, Trenton, New Jersey 08625.

Source: Frank L. Salamandra  
 Supervisor, Licensing Unit  
 Bureau of Technical Services

### ELEVATOR SUBCODE COURSE AND TEST INFORMATION

#### National Certification Test Dates - Test Module 6B

<u>Test Date</u>	<u>Registration Deadline</u>
November 23, 1991	October 18, 1991
April 25, 1992	March 20, 1992

Call Educational Testing Service for more information: 609/921-9000.

#### Elevator Course

The following colleges have been approved to offer the 90-hour Elevator Inspector HHS course:

<u>College</u>	<u>Contact Person</u>	<u>Phone</u>	<u>Expected Start Date</u>
Raritan Valley	Charles Speierl	908/526-1200	10/91
Essex (W. Essex Campus)	Carl Weininger	201/228-3968	10/91
Mercer	Marga Dillow	609/586-9446	10/91
Middlesex	Linda Lederer	908/417-0690	10/91
Brookdale	Maureen Sherman	908/842-1900	1/92

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

## ELEVATOR SUBCODE AND STANDARD FORMS

The adoption of the Elevator Subcode makes it necessary to revise the UCC Standard Forms. This article gives you advance notice to help you make intelligent decisions when ordering forms.

The following forms will be changed because of the addition of the Elevator Subcode:

<u>Form Number</u>	<u>Title</u>
F100A	Construction Permit Application (file)
F110A*	Building Subcode Technical Section
F150*	Create a New Elevator Subcode Technical Section
F160A	Application for a Variation
F170A*	Construction Permit
F180A	Construction Permit Notice (placard)
F190A*	Permit Update
F225	Create an Approval Sticker for Elevators
F230A	Not Approved Sticker
F260A*	Certificate
F270A	Application for Certificate
L700A*	Permit Fee Log
L720A*	Certificate Log
R811A*	Monthly Activity Report Certificates
R812A*	Monthly Activity Report Permits

The following forms may be changed:

<u>Form Number</u>	<u>Title</u>
F300A	Ongoing Inspection Schedule
F310A	Elevator Inspection
F320A	Elevator Notice
L730A	Ongoing Inspection Log

Municipalities using UCCARS System II will receive a new program prior to July 1, 1992, which will print the new standard forms indicated with an asterisk (\*).

Our goal is to provide new mechanical and printing instructions to all municipalities by May 1992. More information will appear in the next edition of the *Communicator*.

Source: William Hartz  
Chief, Bureau of Technical Services

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

## CONSTRUCTION PERMITS FOR RADON MITIGATION SYSTEMS

In general, the installation of a radon mitigation system in a structure requires a construction permit. If, however, the work consists only of sealing the structure's envelope, in most cases this is considered an ordinary repair and does not require a construction permit. "Sealing the envelope" includes sealing control joints, perimeter slab-wall joints, penetrations, and cracks, among others.

In addition, most radon mitigation retrofit work in low-rise (three or fewer stories) residential construction falls into the "minor work" category. Since a construction permit is not required before minor work may proceed, delays in initiating the installation of radon mitigation systems and devices in those instances will be nonexistent. Included in this category are soil gas vent system installation, incidental electrical work, and any other related radon mitigation equipment and materials.

In other than low-rise residential structures, the complexity and possible impact on fire/life safety may necessitate a review of radon mitigation systems prior to initiation of the work. Prior review may be required in any retrofit work where there is a question about the safety or integrity of a structure or welfare of the occupants. Construction techniques and a delineation of each subcode official's responsibility for plan review and inspection of these radon construction techniques in new Use Group E or R structures is contained in the Radon Mitigation Subcode. This, along with New Jersey Department of Environmental Protection (NJDEP) requirements should be used, at this time, as a guide for retrofit radon mitigation system installations. In addition, as of May 13, 1991, all radon testing and mitigation contractors must be certified pursuant to NJDEP's "Certification of Radon Testers and Mitigators" rules (NJAC 7:28-27) which provides assurance that quality radon testing and mitigation and safeguard services will be provided to the public.

To further assist construction officials and as part of the second year US Environmental Protection Agency (EPA) State Indoor Radon Grant, the NJDEP has proposed a training course for municipal construction officials on inspection of radon mitigation system installations. The training will cover system design and installation plan review and inspection protocols. In conjunction with the current EPA-supported radon subcode training being offered to construction officials, this training will result in the development of a uniform set of guidelines for radon construction work.

In the interim, assistance regarding construction permits for radon mitigation system installations may be obtained from the CCE's Code Assistance Unit by calling 609/530-8793.

Source: Mitch Malec  
Supervisor, Technical Policy  
Division of Codes and Standards

## BURGLAR AND FIRE ALARM INSTALLATIONS

It has recently been brought to our attention that some burglar and fire alarm installations are being completed without construction permits and that some, even with construction permits, are not in conformance with code requirements.

In accordance with NJAC 5:23-2.17(c)4, the installation of any fire detection or suppression system or device in any one- or two-family home, and the installation of a burglar alarm, security, or low voltage communication system in any structure is minor work. As an example, when a burglar alarm system is being installed, a construction permit (minor work) must be issued and inspection (based upon what is visible at the time) performed. As another example, when a fire alarm system is being installed in an existing building due to fire safety requirements, a construction permit is required and inspections need to be performed. In this example, since the installation is mandated by the Fire Safety Code, it shall be made to conform only to that code and shall not be required to conform to the subcode adopted pursuant to the UCC unless the code requiring the alteration so provides (see NJAC 5:23-2.4(a)7, DCA Bulletin No. 90-8, and the "Alterations Mandated by Other Codes" article in the Winter 1990 *Construction Code Communicator*.)

Note that any alterations, additions or changes in or to buildings and structures required by the provisions of the Fire Safety Code which are within the scope of the Uniform Construction Code shall be made in accordance therewith, unless specifically provided otherwise by the Fire Safety Code. Therefore, construction variation requests remain the responsibility of the construction enforcing agency having jurisdiction. Reminder: Pursuant to NJAC 5:23-4.5(g)2, in the course of enforcing the regulations, the fire protection subcode official shall cooperate as much as possible with the local fire service, which is the local fire department or district having jurisdiction.

Code officials having construction enforcement jurisdiction of burglar and fire alarm installations should continue to confirm that only approved fixtures, appurtenances, materials, and methods are being used. As an example, devices listed for "household" use should not be used in commercial structures. In addition, all required tests shall be made and conducted under the direction of the enforcing agency in accordance with any procedures prescribed in the regulations, and all test expenses will be borne by the owner or lessee, or the contractor performing the work.

Please direct questions relating to this article to the Bureau of Technical Service's Code Assistance Unit at 609/530-8793.

Source: Mitch Malec

Supervisor, Technical Policy  
Division of Codes and Standards

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## INDUSTRIALIZED BUILDINGS

This is the conclusion of the article relating to "Industrialized Buildings — New and Revised Regulations," which appeared in the Winter 1990 *Construction Code Communicator*. This article addresses the various issues involved in the Reciprocity Program mentioned in the earlier article.

The State of New Jersey joined the Council of States on Industrialized Housing and Buildings and became party to an agreement which facilitated reciprocity with the member states and became effective July 1, 1990. Reciprocity means that any unit manufactured in and approved by one of the member states will be deemed to be approved for installation in the State of New Jersey. Approval under the reciprocity program shall be evidenced by a New Jersey insignia of certification in addition to the insignia of the state of manufacture. Currently, Florida, Georgia, South Carolina, Indiana, Alabama, and Pennsylvania are the participating members of the Council.

The units manufactured in the participating states must be built to the respective standards of the states, but certain items (known as non-negotiable items) are unique to each state, because of the intended geographic location of the unit(s) and/or because of the code enforcement criteria. We have established the following non-negotiable items which require conformance to the New Jersey Uniform Construction Code in order for the unit(s) to be acceptable for installation in New Jersey:

Earthquake loads

Wind loads

Snow loads

New Jersey Barrier Free Subcode requirements

Fire Safety Provisions: BOCA Section 1002 and Article 9 -  
Table 905.2

Energy calculations are to be based on 5500 degree days (heating). Construction officials are required to verify and confirm the validity of the non-negotiable items.

The above relates only to the factory-built portions of the industrialized/modular building. All other aspects relating to the documentation, on-site construction, data plate, inspections, and plan review responsibilities of the local enforcing agencies are identical to the procedures outlined in the earlier article.

Source: Paul Sachdeva

Manager, Industrialized Buildings Unit

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## UCCARS SYSTEM OVERVIEW

The Uniform Construction Code Activity Reporting System is now being used in over 280 municipalities. Even with that extensive use, we still get many calls asking what System I or System II will do. Below is a brief overview of the capabilities of the two systems. For more detailed information, call William Hartz or Susan McLaughlin at 609/530-8798.

### UCCARS System I Overview

#### Objectives

- Eases the paperwork burden in code enforcement offices
- Replaces the physical set of books
- Automatically generates all UCC monthly reports
- Produces audit trail
- Reconciles all fee payments
- Sends monthly reports to DCA directly over telephone line
- Searches and queries details of any permit

#### Data Contents

- All information needed for monthly reports and fee payment audit reports
- Keyboard entry is kept to a minimum

#### Functions

Enter data:

- Permit data
- Certificate data
- Payments/adjustments
- Automatic sequence number checking

Display data:

- Enter search criteria
- Select from matching entries
- Display permit, certificate, payment summary

Print reports:

- Permit Fee Log
- Certificate Fee Log
- Monthly Municipal Activity Report - Permits
- Monthly Municipal Activity Report - Certificates
- Federal Census Report
- Quarterly DCA Training Fee Report
- Cash Receipts Audit Report

Other:

- Send data to DCA via modem
- Change program setup
- Back up system databases

Expandability:

- Fully upgradable to System II
- Compatible with System II inspection modules

### UCCARS System II Overview

#### Basic Design Criteria

- Look and feel of System I
- Compatibility with System I data

#### Data Contents

- Worksite identification
- Technical subcodes
- Certificate applications
- Payments and adjustments
- Contractor information
- Block/lot file

#### Functions

Enter or update data:

- Permit data - CPA and subcodes
- Automatically assigns permit numbers
- Automatically calculates fees
- Issues and prints certificates
- Information on contractors
- Block/lot file - can use Tax Assessor's data
- Payments and adjustments

Display data:

- Enter search criteria
- Select from matching entries (multiple pages)
- Display site ID, subcodes, certificate applications, fee summary
- Next/prior permit
- Update permit data from display screen

Print reports:

- All System I reports
- Details of specific permit (site id, subcodes)
  - Select by item in CPA Part IV
- Query permit database
- Tax Assessor report
- List of open TCOs
- List of contractors by subcode
- Printout of specific contractor
- All permits for specific contractor
- Contractor warning list

Other:

- Send data to DCA via modem
- Change program setup
- Modify fee schedules
- Back up system databases

Source: William Hartz

Chief, Bureau of Technical Services

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## USING UCCARS

Occasionally, we get calls indicating that the UCCARS reports are not working right. The reported problems are not with the content, but rather with the format. It seems that when two or more pages are printed out, so the complaints go, the report prints across the page break rather than lining up on each physical page.

The problem, of course, is that the incorrect printer paper is being used in these situations. All UCCARS reports are designed to fit nicely onto an 8.5" x 11" sheet of paper, turned sideways (the long edge should be horizontal). Some offices are using 11" x 14" paper and encounter the above problem. The proper designation of the printer paper you should be using for UCCARS is 12" x 8.5" continuous-form paper.

By the way, all System II reports are also printed in this same format. Even the Permits, Certificates, and Technical Sections are printed on 12" x 8.5" blank continuous-form paper. The only difference is that in System II you generally need more than a single copy to work with, in which case both three-part and four-part carbonless printer paper are available.

Those of you who adhered to DCA's equipment recommendations and bought an Epson LQ-1050 printer will be glad you did when you upgrade to System II and begin using multi-part paper. The LQ-1050 is designed to readily handle the thickness of four-part forms. When you use four-part paper, don't forget to adjust the paper thickness lever on the left of the printer to setting 6 or 7.

For those of you who are not using the correct printer, now may be a good time to begin. Epson just recently announced a model change. They've redesigned the LQ-1050 to include several new features, and now call it the LQ-1170. We've tested the LQ-1170 and have found it to be compatible to the LQ-1050 and to UCCARS.

One improvement they've made is in its speed — top speed now is 413 characters per second. Epson also has increased the number of built-in fonts from three to ten and has provided front panel selection for them. The number of paper feed paths has been increased to three, including the ability to feed both continuous and single sheets from the front of the printer.

But your LQ-1050 is far from obsolete. You can plug in a cartridge to give it an additional seven print fonts; you can add a sheet feeder for loading up to 150 sheets at a time; and you can use carbon-film ribbons for extremely crisp character formation.

Source: Stan Kosciuk  
President, Municipal Information Systems

## WHATEVER HAPPENED TO THE ENERGY CODE?

The energy code is a gem that has sort of lost its luster over the years, like the diamond that turned to coal. It burst on the scene during the 1970s, but since then has kind of burned out. Part of the reason is that the symptoms of the oil embargo no longer exist — we no longer have to wait an hour in line to buy gas, and we have become used to paying over \$1.00 per gallon.

Though the availability of natural resources is still a concern, other environmental issues have also come to light. You've all heard about this greenhouse-acid-rain-global-warming effect that is in the paper every other day. Whether or not you believe these effects will eventually make winter trips to Florida obsolete (first because the polar ice cap will melt and Florida will be under water, and second, because global warming will cause New Jersey's average temperature to be 120° in the winter), I think you will agree using less energy creates less pollution and saves money.

Well, any construction technique that saves a building owner money should be an easy sell to the building owner, right? Wrong!

That's where the code official comes in...or is it? Lately, there hasn't been much interest in the energy code. The last set of seminars on energy got a cold reception (classes were less than half full) and the new energy manuals are purchased four times as fast by designers as code officials. Because of this we have been thinking of ways to stimulate interest in the energy code. Here are the top three:

3. Stop writing articles like this one that irritate code officials.
2. In future newsletters, insert cleverly concealed subliminal messages.
1. Tell code officials that architects and engineers hate to submit energy calculations.

...Okay, we are pretty desperate for ideas. While most code provisions deal with life safety issues that have an immediate life safety value, the energy code is a provision that won't save a life tomorrow but could save many lives 100 years from now. I know it requires some long-sightedness, but please help us make the question, "Whatever happened to the energy code?" ancient history.

Source: Michael E. Baier  
Code Assistance Unit

[Note: To order the Energy Compliance Manual, send a check for \$6.00 made payable to Treasurer, State of New Jersey, along with a note requesting the Energy Compliance Manual, to DCA Publication Unit, CN 816, Trenton, NJ 08625-0816. Within 10 days you will be mailed the manual and the Energy Subcode Application Form.]

## WHAT IS A CEU?

The following is a reprint of the question and answer list that DCA sends to newly licensed inspectors. It answers the most commonly asked questions about the Construction Code Enforcement Continuing Education Program.

### Construction Code Enforcement Continuing Education Program

Q.: What is it?

A.: The continuing education program consists of one- and two-day seminars sponsored by the Department of Community Affairs and Rutgers University. The seminars are offered free to all licensed inspectors, subcode officials, and construction officials.

Q.: When is the program given?

A.: Seminars are grouped into two semesters: the spring semester is from March through July, and the fall semester is from September through December. Seminars run from 8am to 5pm during weekdays and occasional Saturdays.

Q.: Where are the seminars held?

A.: These seminars are held at various locations throughout the state.

Q.: What subjects are discussed?

A.: There are two basic categories of seminars, technical and administrative. Technical seminars deal with code-related items in all subcode areas. Administrative seminars are more general in nature and may deal with anything from "Effective Report Writing" to "Preparing for Court."

Q.: How many seminars do I have to take?

A.: This depends on the number of licenses you hold. For example: Inspector only: two technical seminars in two years. Inspector and Subcode Official: two technical and one administrative seminar in two years. Inspector, Subcode and Construction Official: two technical and two administrative seminars in two years.

Q.: How will I find out about available seminars?

A.: Approximately six weeks before the beginning of each semester, you will receive a complete listing of all seminars being offered that semester. This brochure is sent to you from Rutgers University.

Q.: May I attend more than the required number of seminars?

A.: Yes. The seminars are offered to assist you in the performance of your job. You may take as many as you want, but we ask on your initial call to register that you select only two to give everyone an equal opportunity. Please wait a few weeks and call again to sign up for additional seminars. All seminars will be deleted from your record at license renewal time (every two

years). No seminar may be carried into the next license period, even if you have taken more seminars than were necessary for renewal.

Q.: Who keeps a record of the seminars I take?

A.: You should keep your own record of the seminars you have attended; to help you in record-keeping, you will receive a certificate for each seminar you complete. We also keep a record, and we will send you a transcript each February and August. When you receive the transcript, if you find that our records do not agree, you should contact this office immediately. After the renewal of your license, your transcript will show 0.0 CEUs earned since all seminars are deleted from the record after each renewal.

Q.: What credit will I receive for attending seminars?

A.: Upon successful completion of a seminar you will receive a certificate, and Rutgers University will award CEUs. CEUs are continuing education units that are recognized nationally. One CEU is awarded for every ten hours of continuing education.

Q.: What happens if I don't attend the seminars?

A.: Those who do not satisfy the continuing education requirement will not have their license(s) renewed.

Source: Larry Wells

Education Unit

Bureau of Technical Services

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## FILE PURGING AND STORAGE (NO KIDDING)

Many local enforcing agencies have an acute shortage of file space. If your agency follows these suggestions, however, you may find yourself blessed with (almost) infinite capacity.

Before we begin, let us stress the need for actively following up on open permits (the eternal stepchild process in most enforcing agencies). This is the key to adequate file space.

The UCC states that all files must be in block and lot order (NJAC 5:23-4.5(a)), but this would mix all files whether open or closed. An optional system for separating open from closed files is to place **open** files in permit number order in one set of drawers, while keeping **closed** permits in the required block and lot order in separate drawers. This will no doubt necessitate reviewing the status of all files without a certificate (sheet by sheet). To make it easier, arm yourself with a felt-tip pen. If the job file is closed, place a mark on the top right corner of the Construction Permit Application jacket and purge as below. If the file is open, check which inspections are lacking and document this on the front of jacket with the colored pen, then place in permit number order. Follow up with the oldest permits first and work towards the most recent.

Purge as follows:

1. Keep only one set of the most current plans (discard others).
2. Keep only one site plan (the one with zoning approval signed off).
3. Keep only the office copy of each technical section (being sure to annotate all inspections and plan reviews on that copy of the technical section for each subcode). If there are Inspection Notice (F-200) sheets in the file, transcribe these inspections onto respective technical sections and discard the F-200s. Make all inspection notations on back of technical sections where necessary, using the date of inspection as the link from front to back with the new style technical sections. Also, keep only one copy of the Construction Permit (F-170A), one copy of Certificate (F-260A) and related updates (F-190A), and one copy of any other documents deemed significant to the job.
4. Photographs can be discarded after contractor's affidavits of approval are procured or respective subcode inspectors have approved work.
5. Add permit numbers with block and lot numbers on each jacket tab.

Note: Item 3 above is the key to efficient record-keeping.

Keep closed job files in block/lot files for the last five years and place older job files (purged of extraneous documents) in dead file storage in block and lot order.

Refer to NJAC 5:23-9.5 for records retention. Please note that Class I and II plans are required to be retained for the life of the structure; including Class III plans as well allows you an extra measure of future security.

Source: Philip van Leeuwen  
Bureau of Regulatory Affairs

## PROTOTYPE PLAN REVIEW

Prototype plans are meant to be an efficient way for the code official to deal with projects in which the same designs are used repeatedly. Master plans must be complete when submitted, including reverse (or mirror) image and all design alternatives. Subsequent submittals shall consist of at least a plot plan which is signed and sealed by a registered architect or professional engineer, including utilities, floor plan, exterior elevation, and the prototype identification number. The construction official shall issue a permit for prototype plans for which a prototype permit has previously been issued, within three business days from application.

The builder benefits from prototype plan review by not having to constantly submit duplicate sets of plans; the buyer

because of reduced permit cost; and the code official by more efficient plan review. But everything is not as it should be, and many code officials and builders are experiencing difficulty with prototype plan review. During the next month the Department will review all regulations concerning prototype plan review. If you would like to have input, I would welcome all comments, constructive criticisms, and suggestions. Please include your name, address, and phone number in case we have questions or would like to request additional input. Please submit your comments to my attention at:

Department of Community Affairs  
CN 816  
Trenton, NJ 08625

Source: William Hartz  
Chief, Bureau of Technical Services

## SUBCHAPTER 8: ASBESTOS

The last issue of the *Construction Code Communicator* included an article on revisions to Subchapter 8. In June 1989, the Department convened the New Jersey Asbestos Review Committee. Composed of representatives of the asbestos abatement industry, the primary charge of the Committee was to draft a regulatory proposal for the abatement of asbestos in occupied buildings. In November 1990, the Committee submitted its formal proposal for Departmental review.

The proposed revisions to Subchapter 8 include a new section on abatement in occupied buildings. This section requires increased air monitoring, the establishment and maintenance of differential pressure, on-site reading of air samples with 10 percent of those samples re-analyzed in a laboratory, and stringent isolation requirements. This section also establishes a three-part contingency plan should air levels rise or differential pressure drop.

The procedure for abatement in occupied buildings spurred a general reorganization of Subchapter 8. All air monitoring requirements are now in one section, the duties of the Asbestos Safety Technician (AST) are in one section, and the requirements for the Asbestos Safety Control Monitor (ASCM) firms, including insurance requirements, are in one section.

The proposed amendments to Subchapter 8 will be submitted for publication in the *New Jersey Register* in the fall.

Source: Emily W. Templeton  
Code Development Unit

## NEW JERSEY REGISTER ADOPTIONS

<u>Date</u>	<u>Adoption</u>
6/17/91	23NJR 1922(a) Public School Facilities Adopted Amendments: NJAC 5:23-3.11A and 4.2 (effective 6/17/91).  23NJR 1923(a) Uniform Construction Code Licensing Adopted Amendments: NJAC 5:23-5.3, 5.15, 5.20, and 5.23 (effective 6/17/91).
7/1/91	23NJR 2044(a) Plumbing and Energy Subcodes Adopted Amendments: NJAC 5:23-3.15 and 3.18 (effective 7/1/91 except for NJAC 5:23-3.15(b)18i, which becomes operative 1/1/92).  23NJR 2046(a) Elevator Safety Subcode Adopted New Rules: NJAC 5:23-12. Adopted Repeal and New Rule: NJAC 5:23-1.1, 1.4, 2.14, 2.23, 2.25, 3.4, 3.11, 3.14, 4.3, 4.5, 4.12, 4.13, 4.18, 4.20, 4.24, 5.1, 5.3, 5.5, 5.7, 5.20, and 5.23 (effective 7/1/91).  23NJR 2061(a) Public Notice: Notice of Public Hearing, Elevator Safety Subcode Retroactive Requirements for Existing Elevators and Escalators held on August 8, 1991, at 3131 Princeton Pike, Lawrenceville, NJ.
8/19/91	23NJR 2500(d) Barrier-Free Recreational Standards Departmental Appeal Adopted Amendment: NJAC 5:23-2.38 (effective 8/19/91).  23NJR 2501(a) Radon Hazard Subcode Adopted Amendments: NJAC 5:23-3.14, 3.18, 3.20, and 10.3 (effective 8/19/91).
Source:	E. Maria Roth Code Assistance Unit <input type="checkbox"/>

## STATE & LOCAL GOVERNMENT CODES: Strategies for Local Enforcement

The County and Municipal Government Study Commission has prepared a report on Strategies for Local Enforcement. The report deals with four main topics:

1. the Uniform Construction Code;
2. health codes;
3. housing codes; and
4. land use and development

If you are interested in ordering this report, send a check for \$5.00, made payable to County and Municipal Government Study Commission, to:

County and Municipal Government Study Commission  
Attention: Seth Benjamin  
115 West State Street  
Trenton, NJ 08625

## VOUCHER SNAPSHOTS: Reverse Prints

In the Summer 1991 *Communicator*, I wrote a short article pointing out, with some lack of subtlety, the problematic status of licensees being paid by voucher. The comments I have gotten since reveal another side to this situation. That is, I've been asked how vacations, illnesses, and other short absences should be handled. The following seems to be the most common situation:

An official is planning a two-week vacation. He or she has asked around and can find no one willing or able to do a "courtesy exchange" (you cover me and I'll cover you when needed). Someone, therefore, must be paid to provide the needed coverage. The municipality has agreed to pay, but it is impracticable to go through the formal process necessary to appoint the replacement official formally as a municipal employee for the time period in question.

NJAC 5:23-4.4(a)(6) permits a temporary appointment for a maximum of 20 business days without the notification and other processes associated with a regular appointment. The rationale for this provision in our rules seems to fit the above-described scenario to a T.

When a situation arises where a regular appointment is impracticable or inappropriate because of the short duration of the coverage needed (caused by replacement unavailability, time constraints, or illness), 5:23-4.4(a)(6) should be applied. That is, the Department will recognize (and not scrutinize from a "punitive" point of view) arrangements where a temporary appointment is made for a period not to exceed 20 business days, and payment is made to a substitute official by the voucher method.

Some general notes and suggestions in applying this process:

1. The simplest, and preferred, substitution arrangement continues to be the courtesy exchange method.
2. Construction officials coordinating substitutions should always keep in mind the plan review implications of license class. For example, if a Class I project is expected for plan review in a Class I enforcing agency, an ICS subcode official substituting for someone on vacation will cause the enforcing agency to be temporarily unable to review those plans.
3. Because of the reporting and financial requirements imposed on private on-site agencies, Regulatory Affairs must be notified when one of these is appointed for this purpose.

I do appreciate any comments received in response to *Communicator* articles, by the way. As has happened in this case, when the writer focuses on addressing a problem situation, she can miss other issues raised by the solution...Thanks.

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

# Construction Code Communicator



State of New Jersey  
Jim Florio, Governor

Department of Community Affairs  
Melvin R. Primas, Jr., Commissioner

Volume 3 Number 4

Winter 1991

## Accessibility: ADA and Model Codes

Dedicating this issue of the Construction Code Communicator to accessibility issues is a timely and exciting idea. This is a critical time for accessibility issues. Because New Jersey has had comprehensive barrier free requirements for so long, it is tempting to assume that the rest of the country has also had a long-standing awareness of access requirements. However, this is not the case. New Jersey has been a regulatory pioneer in this field. Therefore, the Americans with Disabilities Act (ADA) does not represent a new regulatory world in New Jersey. It will represent a new regulatory world in some states; and, ultimately, it will provide general accessibility throughout the United States. Other articles in this newsletter address the history of the Barrier Free Subcode in New Jersey and the future of the ADA requirements in New Jersey. I will target my comments to the national model code process and accessibility issues, for the model codes are the most effective means of establishing consistent, technically reliable building requirements.

The issue of accessibility has been a unique issue for model building codes. Traditionally, model codes address issues that affect life safety. The model code process requires active participation by interested groups. Most of the participants represent groups that are substantially affected by code requirements. They propose changes and argue for the inclusion of new requirements and the elimination of others. Changes are made by democratic process; hearings are held, arguments are made, and votes are taken.

For most issues, this process works well, ensuring a balance of views is considered before requirements are incorporated in the code. In the case of accessibility issues, it worked less well. One reason for this is that accessibility issues were not clearly portrayed as necessary to ensure life safety. Another reason is that advocates for disabled persons have not been active participants in the code change process. Generally speaking, the advocates for the disabled population decided to pursue a different, but parallel, route. They approached their state legislators and supported state legislation which mandated access to public buildings. This was a very effective path to follow. In fact, that is how New Jersey became involved in accessibility requirements.

Now, the world of accessibility is changing. The federal government established accessibility as a matter of national public policy when President Bush signed the Americans with Disabilities Act into law on July 26, 1990. The enactment of this law was the culmination of the separate process for ensuring accessibility that centered on the legislative process, first of the states and, then, of Congress.

During this time of legislative advances, the model codes addressed accessibility as a side issue. The BOCA code made a tentative start at including accessibility requirements, but, for the most part, the model codes were passive on the subject. While strides were being made legislatively, however, the Council of American Building Officials (CABO) was asked to become the Secretariat for the ANSI Standard for buildings and facilities providing accessibility and usability for physically handicapped people (ANSI 117.1). CABO charged the Board for the Coordination of Model Codes (BCMC) with scoping the ANSI standard. Scoping of a regulation, or, in this case, of a standard, tells which buildings must comply and to what extent

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compliance is required. This committee worked hard to make clear, sensible requirements that could be incorporated into a model code. Coincidentally, as BCMC completed its scoping document, the ADA was signed into law and the federal regulatory process began.

Now is the time for all interested parties to work together to ensure that the provisions of the ADA will be fully adopted, fully implemented, and fully enforced. The Architectural and Transportation Barriers Compliance Board (ATBCB), a federal agency which was charged with the responsibility of drafting improved technical guidelines, is committed to working with CABO. Revisions to the ANSI standard should be ready for publication sometime in 1992. The US Department of Justice (DOJ) was charged by the ADA with promulgating regulations to enact the ADA requirements. It was also given the authority to establish a system to certify state or local codes as equivalent to the ADA regulations and technical requirements. This process has not been established at this time, but will become clearer in the near future. Obviously, there are now many players who represent many different interest groups, who have been given different responsibilities under the law, and whose processes have, by their nature, been separate, but parallel. It is time to merge these interests. The Department of Justice is considering certifying the revised ANSI standard as compliant with the ADA. If this happens, when model codes adopt the BCMC scoping document and the ANSI Standard and states then adopt a model code, we will be assured of ADA compliance.

It is a common experience in this country to find that representatives of special interest groups think they have lost the entire battle if they concede on even one point in a multi-phase plan. Now is the time for everyone concerned with access to recognize that there may be concessions in the short run that will result in large gains in the long run. In New Jersey, we may have to compromise on some of our more stringent requirements and accept certain less stringent technical requirements found in the ADA. We should keep in mind, however, that there are states and communities in this country which will be making greater adjustments as they address accessibility for the first time. We must never lose sight of the fact that this law is a unifying law. It makes as many buildings as possible accessible to as many people as possible. It also assures people with disabilities that when they travel around their country there will be accessible accommodations wherever they go. It's an enormous step forward and we should all regard it as such.

Source: Charles M. Decker, AIA  
Assistant Director  
Division of Codes and Standards

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## ADA—BFSC: New Jersey

The word is out—the Americans with Disabilities Act (ADA) becomes effective January 26, 1992. What's going to happen? What are we going to do? What do we have to do to comply? Before anyone jumps to conclusions and decides that the ADA means a complete change in New Jersey, I'd like to take a minute to explain the ADA, to explain the Barrier Free Subcode, and, most importantly, to explain their relationship in New Jersey in 1992.

The Americans with Disabilities Act (ADA) was signed into law by President Bush on July 26, 1990. The law consists of five titles, or sections. Title III, public accommodations, is the section that impacts buildings and, therefore, is the section that triggers the greatest interest for construction officials.

The most common questions I get are: what is New Jersey going to do? and, does the construction official have to enforce the ADA? The answers are: DCA intends to adopt the ADA regulations as the accessibility requirements for all public buildings in New Jersey. Construction officials are licensed by DCA to enforce the Uniform Construction Code. Therefore, construction officials should continue to enforce the Barrier Free Subcode (BFSC) until the ADA regulations are adopted as the accessibility code in New Jersey.

Since the ADA regulations cover only public buildings and do not apply to residential buildings, the Department must adopt accessibility requirements for multi-family residences. We intend to do this by adopting scoping that conforms to the Federal Fair Housing Amendments Act requirements. At the same time, we propose to adopt the residential requirements in ANSI 117.1, the technical standard for accessibility, as the accessibility regulations for multi-family residences in New Jersey.

Before you think, "Oh, no! New barrier free requirements—I've just gotten used to the old ones!," stop a minute. Remember that the New Jersey Barrier Free Subcode is based, in large part, on the ANSI 117.1 standard. The ADA regulations are based on the ANSI standard. And the New Jersey adoption of the requirements of the Federal Fair Housing Amendments Act will include the ANSI standard. There will be differences. The ADA is not exactly like the BFSC. The scoping of the ADA is a little different from the scoping of the BFSC, and some technical requirements will change, but, generally speaking, the differences are not substantive. The BFSC was amended in September 1990 to reflect the scoping requirements of the FFHAA. Since the BFSC is based on ANSI, the adoption of the technical requirements for residential units in ANSI should result in minor changes.

The Department will provide training and technical assistance for all construction officials. The transition to using the ADA and the FFHAA Act requirements as New Jersey's accessibility code, admittedly, will result in some gray areas and some

reas of confusion. But, that's nothing new! The Department is fully committed to doing its level best to provide information and to make this change as smooth as possible.

Source: Emily Templeton  
Code Development Unit



## Barrier Free Plan Review

Plans? Barrier free compliance? I can just about predict the problems I'll find. Bathrooms. Accessible route of travel. Doors.

What's likely to be wrong with the bathroom designs? Clear floor space. The Barrier Free Subcode (BFSC) makes it clear that 5 ft. x 5 ft. clear floor space is required in an accessible or adaptable bathroom. But all too often, the designs come in and they are a mirror image of figure 7.55b (NJAC 5:23-7.55b). The problem with using that figure as a complete design guide is that the figure only addresses clear floor space. It is not a room. It is not meant to show the placement of the lavatory. The presence of the lavatory and the door in the diagram is to show that nothing, not even a lav or a door, may infringe on the clear floor space. When designing a bathroom, it is important to remember that the requirements for each element must be met: turning radius (7.54), clear floor space at each fixture and the installment of each fixture, water closet (7.55), lavatory (7.58), bathtub (7.61), and door (7.53). If the bathroom is to be minimally accessible, a clear diagram is given at 7.65. This diagram must be followed exactly and the fixtures may not be rearranged.

Once I've reviewed the bathrooms, I'm almost certain that I'll find problems with the accessible route of travel from the accessible parking space to the accessible entrance. The BFSC requires that the accessible parking space be within 200 feet of an accessible entrance (NJAC 5:23-7.13). But, when parking lots are designed, it is not unusual to find that the accessible parking spaces are 200 feet from the entrance "as the crow flies," and that the disabled person has to travel a much longer distance to the curb cut and then to the entrance. In fact, the accessible route of travel can be considerably more than the 200 feet required by the BFSC. In addition to that, the accessible route is often a hazardous route in that it requires the disabled person to travel behind parked cars. In design, the parking space, the curb cut, and the accessible entrance should all be coordinated—and no one should assume that anyone travels "as the crow flies."

Doors? How could anyone have design problems with doors? The problem is measuring. The BFSC requires that the clearance be measured from the stop on the latch side of the jam the latch side of the door when the door is open 90 degrees. The BFSC requires that the door be 32 inches clear. It is a common mistake to think that the 32-inch requirement refers to the nominal size of the door. It does not. The requirement is for

clearance. The reason for this requirement is that 32 inches clear provides enough space for a disabled person in a wheelchair to use the door. And, while I'm on the subject of doors, I want to point out that doors with more than one approach must have maneuvering space provided for each approach.

There you have it—the three most common design problems I encounter in plan review. But my greatest barrier free irritation has nothing to do with plan review. The most irritating barrier free inadequacy to me is poorly constructed curb cuts. Curb cuts should be flush with the road surface. There should be no "drop off." People can be hurt when the curb cut drops off and it should not happen. If it happens, it should be corrected.

Source: Jeffrey Applegate  
Bureau of Project Review



## Barrier Free Compliance Can be Hard to Find

The phone rings. The person begins, "It's a brand new building and I can't even get in. I wanted to go out to dinner to try this new restaurant and..." the story continues, but I've heard it before. Part of my job is to investigate complaints like this one. What are the most common complaints? Bathrooms.

The major problem with barrier free bathrooms when they are not correctly built is that there is not enough clear floor space. The Barrier Free Subcode (BFSC) requires 5 ft. x 5 ft. clear floor space. There is a reason for this—this is the amount of space it takes to turn a wheelchair 360 degrees. Without the clear floor space, a disabled person cannot maneuver within the bathroom, cannot, in fact, use the facilities. Without enough clear floor space, the "barrier free" bathroom is inaccessible. Inches do matter and compliance after the bathroom has been built is difficult and expensive. It's a lot easier to provide the space from the start; when I come in to look, it's pretty late.

Another common bathroom problem? The water closet is not installed next to a wall. The water closet has to be 18 inches from the wall because the grab bars have to be installed on a wall and a disabled person needs to use grab bars to use the facility. To move the water closet after the bathroom is finished is expensive and shouldn't be necessary. The water closet in an accessible or an adaptable bathroom should be placed 18 inches from the wall right from the start.

I've also sometimes found that the accessible entrance is kept locked. The building manager has the key, but no one can find the building manager. A locked entrance is not an accessible entrance.

I find that accessible entrances are not marked. Accessible entrances must be marked so that disabled people know how to get into the building.

I find that accessible routes of travel are laid out so that a disabled person has to go behind parked cars to get to the curb cut. And I often find that the curb cut has a lip, sometimes more than an inch. Wheelchairs tip on obstacles like that. If it's not done right, if it doesn't comply with the BFSC, then it has to be done again because it doesn't provide accessibility; it's not barrier free.

I also find that ramps can be very badly constructed. Usually, the problem is that the slope is not right and the ramp is too steep. The 1:12 requirement is steep enough. We should not be seeing ramps that are even steeper. We should also not be seeing ramps built without the required landing every 30 feet, but we do.

Over the past year, barrier free complaints have accounted for about 10-15 percent of my investigations. And they are increasing. People know more and they call to complain. I go out to investigate to be sure that buildings in New Jersey comply with all applicable codes, including the barrier free subcode. Maybe once all construction officials have taken the barrier free training, they will enforce the code more accurately. Until then, if I find a building is not in compliance, it's "jackhammer plan review" for that building owner. It could also mean an investigation of the construction official who approved it.

Source: Joe Curiazza

Bureau of Regulatory Affairs

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## The Barrier Free Subcode: A Historical Perspective

The Barrier Free Subcode Committee has been in existence since 1981. It functions through the Uniform Construction Code Advisory Board to assist the Department of Community Affairs (DCA) in developing a code to implement New Jersey's Architectural Barriers Act. Since its inception, the Subcode Committee has been comprised of individuals with a wide variety of backgrounds and expertise. It currently includes architects, engineers, builders, construction code officials, and disability advocates. It can also call on resource persons from the Departments of Education, Health, and Community Affairs.

Over the last 10 years there have been numerous changes to the Subcode as well as tremendous advances for people with disabilities. New Jersey has long taken the lead in this area and the recent passage of the Americans with Disabilities Act (ADA) will only further the goal of equality and opportunity for all people with disabilities.

The concept of barrier free design has been with us for quite some time. It might be helpful to highlight some of the major events that brought us to our current efforts in analyzing how the recent passage of the Fair Housing Amendments Act (FHAA) and the Americans with Disabilities Act would impact

the lives of all citizens. The first federal Architectural Barrier Act was passed in 1968. This Act can be considered one of the most important pieces of legislation for people with disabilities, since it mandates that buildings constructed or financially aided by the federal government must be accessible to all citizens. Unfortunately, this law did not impact any other types of buildings and therefore fell short of providing the necessary access to employment, housing, and transportation.

The legislature passed a bill, which was signed into law, mandating that any state-, county-, or municipal-funded building must be accessible to people with disabilities. As important as that legislation was, it left out all privately funded buildings which were certainly the majority of facilities being built.

In 1975, this all changed. The legislature passed Chapter 220, which stated that all buildings used by the public must contain facilities for people with disabilities. This was a radical change from the 1971 law, since it covered all buildings, including multi-family housing, whether built by a government agency, private company, or individual, rather than just those built with public funds. The first set of regulations issued to implement this law came out on July 15, 1977. At the time, the Department of Treasury, Division of Building and Construction, was responsible for implementing these guidelines. A task force assisted the Department of Treasury in developing the regulations and was the precursor to the Barrier Free Subcode Committee. In 1981, legislation was passed which transferred the responsibility for developing, implementing, and enforcing the regulations to DCA.

The 1981 legislation also established the Barrier Free Subcode Committee. The first challenge facing the Committee was to review the existing regulations and develop a comprehensive code document. The Committee was charged with reviewing the comprehensive accessibility standard published in 1980 by the American National Standards Institute, better known as ANSI. The Committee relied heavily on ANSI for technical specifications as well as on the expertise of the Subcode Committee members. This effort was directed by Ina White, the first Chairperson of the Subcode Committee.

In 1986, DCA issued a comprehensive Barrier Free Subcode. This is what is currently being used in the state. There have been several changes made to the Subcode since then due to federal legislation, court interpretation, and changes in the state of the art.

The current challenge facing the Subcode Committee is to analyze all of the regulations now mandated by the ADA and FHAA to ensure that New Jersey is meeting all of the federal requirements and maintain the level of accessibility New Jersey's disabled citizens now enjoy. This will not be that difficult, since New Jersey has always had a very progressive code and many of the federal requirements are already contained in the Subcode.

The importance of barrier free facilities cannot be overstated. Access allows people with disabilities to finally be integrated into the mainstream. There are now tremendous opportunities in employment as well as increased options in barrier free housing and transportation. Much has been done since the implementation in 1977 of the New Jersey provisions. Still, there are many areas that need to be improved. Enforcement and education will be key issues for the Subcode to consider as we phase in the new federal requirements.

One other area that needs correcting, though not a code issue, is people's attitudes. Too many times the Subcode Committee hears comments such as "we don't need to make this facility barrier free; handicapped persons cannot use it anyway." In truth, there are no limits on what people with disabilities can do given the right environment. This can be said about employment as well as recreation activities. For instance, many people with disabilities ski, play tennis and racquetball as well as ride horseback. As people finally begin to appreciate what people with disabilities can do, then many of these attitudinal barriers will fall.

Source: John DelColle

Chair, Barrier Free Subcode Committee

### Putting Barrier Free Training into Perspective

Under the auspices of the New Jersey Department of Community Affairs, the Middlesex County Office for the Disabled conducted barrier free subcode training during the spring of 1990 and 1991. The first training consisted of a full two-day course with the purpose of developing qualified and knowledgeable advocates across the State. These advocates were trained to provide testimony at construction board of appeals hearings when an access issue was in question. The focus of the 1991 course was the promotion of an effective working relationship between advocates and construction officials, to provide advocates and construction officials with needed further understanding and clarification of their respective roles. The training highlighted how the knowledge and expertise of these two parties could be combined to ensure that barrier free design, as outlined in the code, would be achieved.

We believe the training sessions were a valuable experience for all who participated. These seminars increased the awareness and understanding of accessibility and the construction process for all attendees. The experience also created a greater sensitivity and enhancement of the relationship between construction official and advocate. Additionally, this dynamic interaction generated new concerns and design issues which are currently addressed in the State's Barrier Free Subcode. These issues were forwarded, following the trainings, to the

Barrier Free Subcode Committee for their careful review and consideration.

The Department of Community Affairs sponsored these programs with a specific goal in mind. The certificates issued by the Department to the attendees were solely to identify advocates able to testify at construction board of appeals hearings, as outlined in Section 5:23-7.4 of the Barrier Free Subcode. The certificate and training do not empower or allow advocates the responsibility to make construction or design decisions. This responsibility ultimately rests with licensed township officials and the Department. As was addressed in the trainings, the seminars and certificate are not to be utilized for financial gain. Many concerned and energetic persons attended these courses. These individuals have a vested interest to ensure that access is achieved for people with disabilities. Unfortunately, the opportunity for them to exercise their role has been quite limited. However, the Department is not in the position to issue additional responsibilities to advocates. We fully recognize the fact that advocates are looking for an outlet for their knowledge and personal experiences. These persons have valuable input which they can bring to the community.

The Office believes that there exists much work which advocates can perform which does not fall under the purview of their Department designation, but which they can perform in their roles of "concerned citizens." As the January 1992 ADA implementation date nears, now is the opportune time for advocates to reintroduce and make themselves available to the community as concerned, knowledgeable citizens. Concerned, knowledgeable citizens may find a committee is being formed in their township to explore ADA issues, and it would certainly be appropriate to ask to join that team. Another avenue concerned, knowledgeable citizens can explore is with regard to polling site access, particularly in light of the 1992 presidential election. Concerned, knowledgeable citizens may be able to suggest alternate accessible sites if current polling locations cannot be made barrier free.

All of our suggestions recommend that people become involved in their communities not as an "authority" or "finger pointer," but rather as a citizen with an interest and commitment to ensure access and enjoyment of the community for all residents. Our hope is that people who happen to be trained as advocates will work **with** the community and not **against** it. The role of a Department of Community Affairs advocate is important, and we hope all will continue to serve at Board of Appeals hearings when asked.

Sources: Debbie Bain

Debbie Bonanni

Middlesex County Office for the Disabled

★★★★ IMPORTANT ★★★★★

## UCC Update: Radon Hazard Subcode

Transmittal #27 was mailed recently as an update to the UCC. The Office of Administrative Law inadvertently made a printing error in this transmittal.

The following phrases should be added before page 23-331 in the Radon Hazard Subcode:

- "9. Any ductwork that is routed through a crawl space or beneath a slab shall be properly taped or sealed.
10. Sealant materials that substantially close off the soil gas entry routes shall be installed on any doors or other openings between basements and adjoining crawl spaces that are vented to the exterior.
11. The tops of foundation walls, including, without limitation, interior ledges, that are constructed of hollow masonry units shall be capped or the voids shall be completely filled.
12. When capped interior vent pipes are provided, or venting from the sump installations is provided, in accordance with (b)3, 4 or 8 above, an adequately supported three-inch minimum diameter solid vent..... "

The above requirements are being incorporated by OAL and the corrected pages will be mailed shortly.

Source: Bureau of Technical Services  
Publication Unit

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## Construction Officials: "Local Government Officers" for Ethics Law?

The Department continues to receive inquiries from construction officials concerning whether or not they are "local government officers" and therefore required to file financial disclosure forms in order to comply with the recently adopted Local Government Ethics Law, PL 1991, c.29.

A construction official, or any other local official, is considered to be a "local government officer" if he or she is (1) elected; (2) a member of a local agency that has the power to adopt ordinances, approve development applications, or grant zoning variances; (3) a member of an independent authority; or (4) a "managerial executive" or "confidential employee," as those terms are defined in the New Jersey Employer-Employee Relations Act, NJSA 34:13A-3. A construction official, other than one who is also a member of a local board or authority, could therefore be an "officer" only if he or she is a "managerial executive" or a "confidential employee." "Managerial executives" are defined as "persons who formulate management

policies and practices, and persons who are charged with the responsibility of directing the effectuation of such management policies and practices," while "confidential employees" are defined as "employees whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiating unit incompatible with their official duties." This being the case, are construction officials "local government officers" or are they not?

Unfortunately, we cannot provide a simple "yes" or "no" answer. We have been advised by the Attorney General that "the determination as to whether a person is a 'managerial executive' requires an examination of the employee's position in the local agency hierarchy, the employee's job function and responsibilities, and the amount of individual discretion exercised by the employee" and that "the analysis of these three factors is necessarily a very individualized determination."

It may be useful to construction officials, and to the municipal attorneys who assist them, to review the Public Employment Relations Commission's ruling in the case of Township of Clark, 11 NJPER 16104 (1985), in which it was held that the construction official was not a managerial employee because (1) he had evaluated a clerical unit employee on only one occasion, which was insufficient to establish supervisory status, and (2) because he did not formulate or implement construction policies, inasmuch as both policy and methods for implementation were codified. Though the second criterion would clearly apply to all construction officials, the first criterion probably would not. The situation of a construction official who is responsible for personnel evaluations of other employees differs from that of the official in Clark, and the conclusion as to whether he or she is a "managerial executive," and hence a "local government officer," may differ as well.

Source: Michael Ticktin

Chief, Legislative Analysis

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## Inspector Liability

Recently, the New Jersey Supreme Court decided a case, *Bombace v. City of Newark*, Supreme Court of New Jersey, August 7, 1991, concerning tort liability of inspectors under the New Jersey Tort Claims Act. Bombace was the mother of four minor children who lived with her in a rented apartment in Newark. In October 1983, she complained to the municipal fire department about exposed wires and faulty smoke detectors in her apartment. Fire officers inspected, found violations, and issued a violation notice to the landlord. The Fire Inspection Bureau was sent notice of the violations, but misplaced the information. Nearly a week later, Bombace contacted the municipal code enforcement bureau, complaining of insufficient heat. An inspector promptly visited the apartment and

issued a notice to the landlord. A court date was set for a hearing; the hearing was delayed by the court for approximately two weeks, but Bombace was not notified of the dates. An inspector, visiting the apartment two more times before the scheduled hearing date, found a continuing lack of heat; however, on the day prior to the hearing, the inspector found Bombace's apartment boarded up. The building manager told him Bombace had moved. The premises appeared vacant and neighbors also believed Bombace had moved. At the hearing, the inspector stated what he had found, and the complaint against the landlord was dismissed. In February 1984, a fire which officials attributed to a gas stove or portable heater used to provide warmth, killed Bombace's four minor children who were living with her in the reportedly vacant apartment. She sued the municipality, the landlord, the building manager, and the municipal inspector. She claimed that the municipality and its inspector were ineffective in enforcing the law and that it had been improper to terminate the municipal proceedings for failure to provide heat.

#### Enforcement "Non-action"

The court interpreted the State Tort Claims Act to provide absolute immunity for failure to enforce the law. That is, misplacing the fire code violation notice did not make the municipality or its employees liable. The court made plain that failure to enforce a law, or failure to perform an inspection, does not create tort liability (wrongful death, personal injury, property damage) for public employees under the State Tort Claims Law. The reason for municipal and public employees' immunity is the recognition that the scope of laws and regulations to be enforced is almost unlimited, and yet the time and resources of municipalities and their employees are limited. Municipalities and public employees must do as much enforcement as possible, but cannot be held liable for what they cannot do.

#### Enforcement Activity

Bombace's other claim, however, was that the municipality and its inspector terminated an ongoing enforcement action, which they should not have done. The State Tort Claims Act has been found to provide not "absolute," but only "good faith" immunity for enforcement. The Supreme Court, however, found that in terminating its actions against Bombace's landlord, the municipality and its inspectors were entitled to the same absolute immunity as if they had not begun the violations process. As public policy, the Court explained that it would not want to discourage municipal officials from commencing enforcement actions just because they might, for whatever reason, need to terminate or abandon them.

As an aside, the court recognized that plaintiffs such as Bombace can still recover damages from death or injury from private parties who were the cause of the death or injury—as, here, the landlord or building manager—instead of getting compensation from a municipality and its employees who were merely unsuccessful in preventing the private parties' illegal

acts. Apart from what the New Jersey Supreme Court has said about tort liability for death, injury and damages, officials should not be sloppy about doing their jobs. That they cannot be successfully sued by private parties in such instances does not mean that their employment, including professional reputation, licenses, promotional opportunities, and salaries, could not be affected by a lawsuit. It is, nonetheless, good news to know that they will not be held financially responsible for tort damages that result from private parties' disobedience of the law.

Source: Chrys Wyluda  
Code Development Unit

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## Using UCCARS

For those of you who are new to UCCARS, the project has been organized into three separate phases with each phase culminating in a specific version of UCCARS — System I, System II, and System III. The final version of UCCARS, System III, is now a reality.

System I is the entry-level version. It requires only the minimum amount of information needed to complete its tasks. It enables you to computerize your office's set of records. System I stores and prints out the Permit and Certificate Fee Logs, Monthly Municipal Activity Reports, Federal Census Reports, and others. It also electronically transmits your monthly reports to DCA.

Most municipalities find that System I does exactly what they need. However, an advanced version of UCCARS, System II, has been developed for those wishing to go further in the computerization of their operations. System II does all that System I does, plus a lot more. For example, it automatically fees out your permits. It prints the actual permits and certificates onto 3- or 4- part forms. It keeps track of contractors and of block and lot data. And, it provides access to your data in a wide variety of ways.

Unlike Systems I and II which are two separate programs, System III is not a stand-alone program. Rather, the functionality of System III has been incorporated into both versions of UCCARS. It took a lot more work to program it this way, but we thought the resulting programs would be far easier for you to use. Thus, regardless of whether you are using System I or System II, you can receive an enhanced version of System I or System II which includes all of System III's capabilities.

So what does System III do? The functions of System III can be grouped into the following categories:

- Inspections
- On-going Inspections
- Plan Review

A brief overview of the capabilities of System III is provided below:

### Basic Design Criteria

Incorporate within both System I and System II  
Full compatibility with existing UCCARS data

### Data Contents

Incoming calls for inspection requests  
Results of inspections  
Inspector information  
On-going inspection schedule  
Frequency of each on-going inspection type  
Plan review tracking data

### Data Entry and Updating

Enter new request  
Update current request  
Inspection results  
Ongoing inspections  
Plan review reports  
Requested inspections for inspector  
Requested inspections for all subcodes  
Inspection log for inspector  
Inspection log for all subcodes  
Overdue inspections for inspector  
Overdue inspections for all subcodes  
Permits with no inspection requests  
Inspection history for specific category  
Ongoing inspections due for specific category  
All plans submitted for review  
Plans due for review within 5 days  
Overdue plan reviews

Training classes for System III will be starting in March.

Source: Stan Kosciuk  
President, Municipal Information Systems

## Looking Ahead: The Education Unit

New proposals for seminars for next semester have been reviewed and selected. We know from experience that everyone looks forward to the new seminars and hastens to reserve a space. **Some changes are going to take place in the spring of 1992.**

First, our financial position requires us to reduce the number of seminars being offered. In addition, inspectors will only be permitted to meet their education requirements, not exceed them; i.e., if you need two (1.0 CEU) building technical seminars for your license renewal, you will be permitted to sign up for **only two**. Once you have met the requirement, until the financial picture allows us to schedule more seminars, you may not take any extra seminars. This move is very difficult for us in the Education Unit because we have always encouraged our

inspectors to sign up for any seminars that stimulate their interest. This will no longer be possible.

We have improved our registration process to show all seminars you have taken during your two year licensing period. This will allow us to check your transcripts when you register.

You will receive the spring brochure in January. Please make your seminar selections with care and consideration.

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

## Panic in UCC Formland

After the last edition of the *Communicator*, I was contacted by a printer of UCC forms about the concern of municipalities over the proposed changes in the UCC standard forms. Actually, "panic" is the word he used.

Yes, many of the forms will be modified for use on or about July 1, 1992. Most of the changes will be minor in nature and the majority of your existing stock of forms may be used. The purpose of my notice was to prevent a municipality from ordering a five-year supply of forms next May.

An example of a "minor change" is the Construction Permit (Form F170A). We will be adding Elevator to the list of work to be performed and adding Elevator to the payments section. To use up your existing forms, write the word "elevator" in the 'OTHER' section for both the type of work and payments.

What may change significantly are the Permit and Certificate Logs (L700A and L720A) and Municipal Permit and Certificate Reports (R812A and R811A). These are all single part forms that may be reproduced in your own office. If you need to order forms, order them. Just keep in mind July 1, 1992 and try to order an appropriate quantity of forms. Remember, any municipality using UCCARS System II will receive a new program that will upgrade all of the forms the system presently produces.

Source: William Hartz  
Chief, Bureau of Technical Services

## National Certification Test Dates

<u>Test Date</u>	<u>Registration Deadline</u>
April 25, 1992	March 18, 1992
August 15, 1992	July 8, 1992
November 21, 1992	October 14, 1992

## UCCARS Update Report

There is a great deal of activity concerning the Uniform Construction Code Activity Reporting System (UCCARS). Please review the following items for your information.

1. **Mandated Electronic Reporting of Data.** The Commissioner has determined, and the Code Advisory Board has approved, mandatory municipal electronic reporting of permit and certificate activity to DCA. The proposal that appeared in the November 18 *New Jersey Register* will require municipalities issuing 600 or more permits per year to report electronically by December 31, 1992. Municipalities issuing between 200 and 600 permits per year must report electronically by December 31, 1993.

The UCCARS software, training, and technical support will be provided at no cost to municipalities. If a municipality wants to use another system or develop its own program, that is acceptable, but at municipal expense.

2. Presently 291 municipalities are using UCCARS (212 System I and 79 System II) successfully. They are saving clerical time doing monthly reports and establishing office produces.

3. System III is nearing completion. This will be provided to all municipalities using either System I or System II. We expect training to begin March, 1992. System III will provide three additional modules to your present system that will allow you to:

- Track and schedule all routine inspectors.
- Track all plan review.
- Track and schedule all on-going inspection [Elevator, backflow preventers, sprinklers (UFC)].

Do not call or write about System III yet. Each UCCARS municipality will be notified in writing about System III training.

Source: William Hartz

Chief, Bureau of Technical Services



The *Construction Code Communicator* is published by the New Jersey Department of Community Affairs in cooperation with Rutgers University's Department of Government Services. Editor: Hilary Bruce. Questions, comments, or suggestions may be directed to William Hartz, Chief, Bureau of Technical Services, CN 816, Trenton, NJ 08625-0816. Address changes or subscription questions should be directed to the DCA Publication Unit, CN 816, Trenton, NJ 08625-0816.

## UCC Updates Mailed

During the month of November, Transmittal #1991-27 was mailed to all UCC licensed code officials and all individuals enrolled in the Subscription Service. This transmittal will bring your Uniform Construction Code up to date, with all adoptions, as of September 16, 1991. If you did not receive your transmittal, please call the Publication Unit at 609/530-8792.

Source: Cecilia Heredia  
Publication Unit



## New Jersey Register Adoptions

Date	Adoption
9/16/91	23 NJR 2861(b) Barrier Free Subcode Adopted Amendments: NJAC 5:23-7.3 and 7.11 adopted 8/12/91, effective 9/16/91.
10/7/91	23NJR 3001(a) Minor Work; Certificates of Occupancy Adopted Amendments: NJAC 5:23-2.8, 2.17A, 2.24 and 2.32, adopted 9/13/91, effective 10/7/91.

Source: E. Maria Roth  
Code Assistance Unit



## Answers to Quiz (See page 10)

1. **B.** See NJAC 5:23-2.35(d).
2. **D.** See NJAC 5:23-2.35(a).
3. **B.** See M801.11 (1991 Supplement to 1990 BOCA Mechanical Code).
4. **D.** 10.12.8 (1990 NSPC) requires a valve on the discharge side of the water meter, but not on the inlet side.
5. **C.** Using table E 302.2.1 (c), entering the Y axis of the table at .185 and following over to .08, then reading down to the X axis, the answer is 18.5%.
6. **D.** The following code sections illustrate environments in which termites, if present, would feel welcome if BOCA regulations hadn't made their potential meal so unpalatable: 1702.5.1, 1702.5.3.1, 1702.5.3.2, 1702.5.3.5, 1702.5.4, 1702.5.4.2, 1702.5.4.3 and 1702.5.4.4.
7. **D.** 12 AWG (NEC Section 720-4).
8. **A.** 1-hour (BOCA National Building Code/1990 Section 817.11).

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## Construction Code Communicator Quiz

Just for fun, we thought you would like to try a few questions. The answers and sources may be found on page 9.

1. **(Administrative)** Unless established by the local or county governing body, what is the minimum fee that must be accompanied with the application for appeal to the Construction Board of Appeals?
  - A. \$43
  - B. \$50
  - C. \$100
  - D. \$250
2. **(Administrative)** An owner, or his/her authorized agent, may appeal to the Construction Board of Appeals for all of the following **except**:
  - A. The refusal to grant a variation by the local plan review agency.
  - B. The monetary penalties imposed by the code enforcing agency.
  - C. The refusal to grant a certificate of occupancy by the code enforcing agency.
  - D. The refusal to grant a zoning variance by the Zoning Board of Adjustment.
3. **(Mechanical)** Interior gas piping systems using corrugated stainless steel tubing shall meet which of the following standards?
  - A. ASTM A106
  - B. ASTM A240
  - C. ASTM A254
  - D. ASTM A539
4. **(Plumbing)** Which of the following locations does not require a water supply control valve?
  - A. On the water service, near the curblin between the property line and the curb.
  - B. Inside the building where the water service enters.
  - C. On the cold water feed to a hot water heater.
  - D. On the inlet side of a water meter.
5. **(Energy)** What is the maximum percentage of double pane glazing that can be located in an exterior wall of a single family residence, with an opaque "U" valve for the wall ( $U_w$ ) of .08 so that the wall, including glazing, meets an overall value ( $U_o$ ) of .185?
  - A. 35.0%
  - B. 17.5%
  - C. 18.5%
  - D. 25.0%
6. **(Building)** Does BOCA regulate termite protection for buildings?
  - A. Yes, termite shields are required in Article 12 Foundations and Retaining walls.
  - B. Yes, termite shields are required in Article 21 Exterior walls.
  - C. No, BOCA does not address termite protection in buildings.
  - D. Yes, but indirectly.
7. **(Electrical)** What is the minimum size of conductors used in circuits for equipment operating at less than 50 volts AC or DC?
  - A. 18 AWG
  - B. 16 AWG
  - C. 14 AWG
  - D. 12 AWG
8. **(Fire Protection)** Which of the following is the correct fire resistance rating for an interior exit enclosure in a three-story, M-use building?
  - A. 1-hour
  - B. 2-hour
  - C. 3-hour
  - D. 4-hour

### Determining Percentage of Alteration

Determining the percentage of alterations or repairs is sometimes done by the 'eyeball method,' i.e., "It looks like a total rehab, so it must be over 50 percent of the physical value of the structure." Another common practice is to use the tax assessor estimates to figure the value of the structure.

Both are incorrect.

NJAC 5:23-2.4(b)1. states the current replacement costs shall be calculated using the latest edition of the Building Valuation Data Report, as published by BOCA. To calculate the percentage, the structure is built as if a new structure, using the Building Valuation Data Report. Once that figure is determined, the estimated cost of work is reviewed. NJAC 5:23-4.20(c)2i(2) provides for an applicant to submit specific data to verify the estimated cost so as to obtain a complete picture of the project. Finally, the percentage of alteration is determined based on these two figures.

This percentage greatly affects code requirements for the alterations/repairs, therefore care should be taken to ensure it is properly calculated. Should you have any questions, please call (609) 530-8838.

Source: Gerald Grayce  
Bureau of Regulatory Affairs

□