

UNIFORM CONSTRUCTION CODE

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SUBCHAPTER 1. GENERAL PROVISIONS

5:23-1.1 Title; division into subchapters

(a) These regulations shall be known as the "Regulations for the New Jersey Uniform Construction Code" and are referred to herein as "the regulations".

(b) The chapter consists of the following subchapters:

1. "General provisions" which may be cited throughout the regulations as N.J.A.C. 5:23-1 and when referred to in subchapter 1 of this chapter may be cited as this subchapter.

2. "Administration and enforcement; process" which may be cited throughout the regulations as N.J.A.C. 5:23-2 and when referred to in subchapter 2 of this chapter may be cited as this subchapter.

3. "Subcodes" which may be cited throughout the regulations as N.J.A.C. 5:23-3 and when referred to in subchapter 3 of this chapter may be cited as this subchapter.

i. N.J.A.C. 5:23-3.11B contains references to the Department of Environmental Protection's rules concerning underground storage tanks, codified at N.J.A.C. 7:14B, which are jointly enforced by this Department and local enforcing agencies pursuant to this chapter.

4. "Enforcing agencies: duties, powers, and procedures" which may be cited throughout the regulations as N.J.A.C. 5:23-4 of this chapter and when referred to in subchapter 4 of this chapter may be cited as this subchapter.

5. "Industrialized/Modular Buildings and Building Components" which may be cited throughout the regulations as N.J.A.C. 5:23-4A and when referred to N.J.A.C. 5:23-4A may be cited as this subchapter.

6. "Manufactured Homes and Manufactured Home Add-On Units Not Subject to Federal Regulations" which

(n) If the three percent or greater program-wide defect rate cannot be reduced within two weeks, the program may be terminated by the Department by notifying the utility and all affected municipalities.

(o) A municipality in which a defect rate equal to or greater than seven percent has been twice reported to the Department and which has reason to believe that the program cannot be successfully implemented within its jurisdiction may notify the Department and the utility of the need for termination of the program in that municipality. The Department, upon verifying the accuracy of the municipality's claim, shall issue a notice to the utility and to the municipality ordering the termination of the program in that municipality.

New Rule, R.1989 d.550, effective November 6, 1989.
See: 21 N.J.R. 233(a), 21 N.J.R. 3458(a).
Amended by R.1994 d.28, effective January 18, 1994.
See: 25 N.J.R. 4546(b), 26 N.J.R. 352(a).
Amended by R.1996 d.512, effective November 4, 1996.
See: 28 N.J.R. 3697(a), 28 N.J.R. 4782(a).

5:23-2.18B Utility area lighting facility installation program

(a) Whenever an electric utility proposes to undertake installation of area lighting facilities located on private property on metal poles with an underground electric feed, having no ancillary utility facilities attached to said poles, the utility shall follow the procedures set forth in this section.

(b) Installation of an area lighting facility shall be treated as minor work in accordance with N.J.A.C. 5:23-2.17A. The utility shall, within five business days after verbal notice to the enforcing agency of a proposed installation, mail a permit application to the enforcing agency setting forth, at a minimum, the identity of the utility, the street address and location of the site lighting facilities, the number of facilities to be installed and a description of the installation.

(c) The utility shall pay a fee which shall be computed at 25 percent of the otherwise applicable permit fee chargeable for such installations as per the Department fee schedule established under N.J.A.C. 5:23-4.20(c)2i(2) and iii(1).

(d) If any violations are noted by an inspector, the inspector shall notify the affected utility and the Department. Code officials shall not issue "Stop Construction Orders" or "Notices of Violation" for such installations unless expressly authorized to do so by the Department.

New Rule, R.1998 d.362, effective July 20, 1998.
See: 30 N.J.R. 1122(a), 30 N.J.R. 2644(b).

5:23-2.18C Use and occupancy of swimming pools, spas and hot tubs

(a) It shall be unlawful to continue the use and occupancy of a swimming pool, spa or hot tub until a copy of a valid bonding and grounding certificate has been made available

to the construction official, the pool, spa or hot tub has been inspected, and an electrical certificate of compliance has been issued. This requirement shall apply to any swimming pool, hot tub or spa located on any property other than one or two-family residential property and includes, but is not limited to, pools, hot tubs or spas open for the use of members, residents or the public.

1. The electrical certificate of compliance shall be issued annually by the local enforcing agency upon the presentation of a valid bonding and grounding certificate, satisfactory completion of an inspection by the electrical subcode official and payment of an inspection fee. This certificate shall be evidence that, based upon a visual inspection, the wiring in or around the pool pump and associated electrical equipment is free from electrical safety hazards, and meets the applicable requirements of the 1996 National Electrical Code.

2. The bonding and grounding certificate shall be issued in accordance with N.J.A.C. 5:23-2.20(e).

3. A bonding and grounding certificate shall also be required for swimming pools, spas, or hot tubs which either are newly constructed or have undergone modifications that impact the bonding or grounding system. No additional visual inspection shall be required for the issuance of an electrical certificate of compliance where a construction permit is issued for the electrical work pertaining to the pool, spa, or hot tub.

(b) The most recent bonding and grounding certificate and electrical certificate of compliance shall be posted in accordance with N.J.A.C. 5:23-3.5(f).

New Rule, R.2000 d.47, effective February 7, 2000.
See: 31 N.J.R. 2314(a), 32 N.J.R. 443(a).
Administrative correction.
See: 35 N.J.R. 4861(a).

5:23-2.19 Special technical services

(a) Whenever the construction official and the appropriate subcode official determine that a need for special technical services exists with regard to a particular project for which the municipal enforcing agency is classified to perform plan review, the construction official may require the applicant to obtain and furnish to the construction official, at the applicant's expense, a report from a licensed engineer or registered architect. Such report shall contain the information deemed necessary by the construction official to aid in his determination. Such may include, but not be limited to:

1. Analysis of materials and installation or design methods not covered by the provisions of the subcodes;
2. Site investigation;
3. Structural analysis;
4. Building systems analysis (that is, mechanical, electrical, vertical transportation, and so forth).

(b) The commissioner reserves the right to further regulate the performance of special technical services.

Amended by R.1998 d.28, effective January 5, 1998.
See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

5:23-2.20 Tests and special inspections

(a) All tests required by the provisions of the regulations shall be made and conducted under the supervision of the enforcing agency and in accordance with such inspection and test procedures as may be prescribed by the provisions of the regulations, with the expense of all test and inspections to be borne by the owner or lessee, or the contractor performing the work.

(b) All special inspections, as provided in the building subcode, shall apply to Class I buildings. A special inspector shall be independent of the contractor and shall be responsible to the building owner or building owner's agent.

(c) The construction official may accept tests and test reports of the Department and other government agencies, as well as signed statements and supporting inspection and test reports filed by qualified licensed professionals or approved agencies or firms.

(d) The construction official may accept a Chimney Certification for Replacement of Fuel-Fired Equipment (Form F-370), signed by the contractor who installed the replacement fuel-fired equipment, in lieu of requiring the removal and reinstallation of the chimney vent connector for purposes of inspection of the chimney or vent. Certifications from homeowners shall not be accepted in lieu of the required inspection.

(e) The bonding and grounding certificate for swimming pools, spas and hot tubs, shall be issued by a recognized electrical testing agency or a New Jersey State licensed electrical contractor. This certificate shall verify the continuity and integrity of the bonding and grounding system. It shall be valid for five years from the date of issuance.

Amended by R.1992 d.244, effective June 15, 1992.

See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).

Special inspections added.

Amended by R.1995 d.249, effective June 5, 1995, (operative October 1, 1995).

See: 27 N.J.R. 619(a), 27 N.J.R. 2187(a).

Added (c).

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

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

Amended by R.1997 d.376, effective September 15, 1997.

See: 29 N.J.R. 2741(a), 29 N.J.R. 4102(a).

In (c), inserted "Form (F-370)", substituted "contractor" for "person" and added last sentence.

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

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

Added (d).

Amended by R.2003 d.187, effective May 5, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).

Added a new (b); recodified former (b) through (d) as (c) through (e).

5:23-2.21 Construction control

(a) Responsibilities: The provisions of this section shall define the construction controls required for all buildings involving professional architecture/engineering services and delineate the responsibilities of such professional services together with those services that are the responsibility of the contractor during construction.

(b) Professional architecture or engineering services:

1. Design: All new, renovation, alteration, reconstruction, expansion, addition or modification work involving the practice of professional architecture or engineering, as defined by the statutory requirements of the professional registration and licensing laws of this State, shall be prepared by registered architects or licensed engineers. All plans, computations and specifications required for a construction permit application must be prepared by or under the direct supervision of a registered architect or licensed engineer and bear his or her signature and seal in accordance with the State's statutes and regulations governing the professional registration and licensing of architects and engineers.

(c) Responsible person in charge of work: The owner shall designate a person to be in charge of the work who shall be responsible for:

1. Verification of all controlled materials per building subcode requirements of testing, certification and identification;

2. Special inspection of critical construction components;

3. Submission of amended plans and specifications whenever substantial deviations are necessary or desired, or when required to do so pursuant to N.J.A.C. 5:23-2.15(e)4v; and

4. The responsible person in charge of work shall perform the necessary services and be present on the construction site on a regular and periodic basis to determine that, generally, the work is proceeding in accordance with the code and any conditions of the construction permit.

(d) Reporting: At the completion of the construction, the responsible person in charge of work shall submit to the construction official a report as to the satisfactory completion and the readiness of the project for occupancy and shall certify that, to the best of the responsible person's knowledge and belief, such has been done substantially in accordance with the code and with those portions of the plans and specifications controlled by the code, with any substantial deviations noted.

(e) Construction contractor services: The actual construction of the work shall be the responsibility of the contractor(s) as identified on the approved construction permit and shall involve:

of which is the level of exit discharge, which serves an occupant load of not more than 10 or serves four or fewer dwelling units is not required to be enclosed.” In the same section, Exception 8 shall be deleted.

xxi. Section 1005.3.5, Horizontal exits, shall be deleted in its entirety. Section 1019.0 of the 1996 BOCA National Building Code shall be inserted as follows: “Horizontal Exits

1005.3.5 General: Horizontal exits shall be accepted as an approved exit element of a required means of egress. The connection between an area of a building that the horizontal exit serves and the area of refuge as herein required shall be accomplished by protected openings in a fire-resistance rated wall, or by an open-air balcony or bridge.

1005.3.5.1 Separation: The separation between buildings or areas of refuge connected by a horizontal exit shall be provided by at least a two-hour fire-resistance rated firewall or fire separation assembly with approved opening protectives complying with Chapter 7 and Table 602.

1005.3.5.2 Doors: All doors shall swing in the direction of egress travel. Where the horizontal exit serves as an exit from both sides of the wall, there shall be adjacent openings with swinging fire doors opening in opposite directions.

Exception: Horizontal sliding doors complying with Section 1003.3.1.3.3.

1005.3.5.3 Area of refuge: The discharge area of a horizontal exit shall be either public areas or spaces occupied by the same tenant, and each such area of refuge shall be adequate to hold the total occupant load of both connected areas. The capacity of areas of refuge shall be computed on a minimum net floor area allowance for each occupant to be accommodated therein, not including areas of stairways, elevators and other shafts or courts, as follows:

1. 30 square feet (3 m²) per patient for hospitals and nursing homes.
2. Six square feet (0.56 m²) per occupant on stories not housing patients confined to a bed or litter in an occupancy in Group I-2.
3. Six square feet (0.56 m²) per occupant in an occupancy in Group I-3.
4. Three square feet (0.28 m²) in all other cases.

1005.3.5.4 Egress from area of refuge: The path of egress travel from the horizontal exit through the area of refuge to another exit shall be continuously available. In other than occupancies in Group I-3, there shall be at least one exit on each side of the horizontal exit, which is not a horizontal exit. Any area of refuge not having access to an exit, other than a horizontal exit, shall be considered as part of an adjoining area of refuge with such exit. In the area(s) served by the horizontal exit, the length of exit access travel distance to the

horizontal exit or another exit shall not exceed the requirements of Section 1004.2.4.”

xxii. Section 1009.1, General, shall be amended as follows: In the second sentence, “Basements and” shall be deleted and “sleeping” shall be capitalized.

11. Chapter 11, Accessibility, shall be deleted in its entirety.

12. Chapter 13, Energy Efficiency, shall be deleted in its entirety.

13. Chapter 15, Roof Assemblies and Rooftop Structures, shall be amended as follows:

i. In Table 1505.1, Minimum Roof Covering Classification for Types of Construction, Note a shall be deleted in its entirety. In addition, at Note b, “and U occupancies” shall be deleted from the first sentence.

14. Chapter 16, Structural Design, shall be amended as follows:

i. Section 1603.3, Live loads posted, shall be deleted in its entirety.

ii. Section 1603.4, Occupancy permits for changed loads, shall be deleted in its entirety.

iii. New Section 1604.9, General structural integrity, from Section 1604.2 of the 1996 BOCA National Building Code, shall be inserted as follows: “The requirements for general structural integrity shall be in accordance with Section 1.4 of ASCE 7 listed in Chapter 35.”

iv. In Table 1607.1, Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads, at Note g, “building official” shall be deleted and “design professional” shall be inserted.

v. Section 1607.9, Reduction in live loads, shall be amended as follows: In the first sentence, “and applied” shall be inserted after “reduced.” After the first sentence, “The method chosen shall be applied throughout the building.” shall be inserted.

vi. In Section 1607.9.1.3, Special occupancies, “or educational occupancies” shall be inserted after “public assembly occupancies.”

vii. In Section 1607.9.2, Alternate floor live load reduction, Item 1, “or Group E” shall be inserted after “Group A.”

viii. Section 1614.1.1, Addition to existing building, shall be deleted in its entirety.

ix. Section 1614.2, Change of Occupancy, shall be deleted in its entirety.

x. Section 1614.3, Alterations, shall be deleted in its entirety.

xi. New Section 1607.14, entitled "Residential Attics with trusses," from Section 1606.2.3 of the 1996 BOCA National Building Code, shall be inserted as follows: "A storage live load shall be applied to those portions of the bottom chord of not less than two adjacent trusses with the same web configuration containing a rectangle 42 inches (1067 mm) high or greater by 2 feet (610 mm) wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided each of the following criteria are met:

(1) The attic area is accessible by a permanent stairway, pull down stairway, or scuttle opening meeting the size requirement specifications of Section 1208.2, and

(2) The truss shall have a bottom chord pitch less than 2 in 12."

xii. In Section 1621.1.7, Component anchorage #1, Item 1 shall be deleted in its entirety.

xiii. In Section 1621.3.14, Elevator design requirements, at the end of the section, the following shall be inserted: "The scope of Part XXIV of ASME A17.1, entitled "Elevator Safety Requirements for Seismic Risk Zone 2 or Greater," is deleted."

xiv. In Table 1622.2.5(2), Importance Factor (I) and Seismic Use Group Classification for Nonbuilding Structures, at Notes H-II and H-III, "authority having jurisdiction" shall be deleted and "construction official" shall be inserted.

15. Chapter 17, Structural Tests and Special Inspections, shall be amended as follows:

i. In Section 1701.1, Scope, "shall apply to Class I buildings and" shall be inserted after "chapter."

ii. Section 1702.1, General, shall be amended as follows: In the title, "Special Inspector" shall be inserted after "Agency." In the first sentence, "or design professional acting as the approved agency" shall be inserted after "agency."

iii. Section 1703.1, Approved agency, shall be amended as follows: In the first sentence, "Upon the request of the construction official" shall be inserted before "An." In the same sentence, "building official" shall be deleted and "construction official" shall be inserted and "applicable" shall be deleted and "following" shall be inserted.

iv. In Section 1703.7, Evaluation and follow-up inspection, "in accordance with N.J.A.C. 5:23-4.26" shall be inserted after the second "assembly."

v. Section 1704.1, General, shall be amended as follows: In the first sentence, "of Class 1 buildings only" shall be inserted after "construction." In the second sen-

tence, "the registered design professional" shall be deleted and "person" shall be inserted.

vi. Section 1704.1.2, Report requirement, shall be amended as follows: In the second sentence, "building official" shall be deleted and "construction official" shall be inserted and "registered design professional" shall be deleted and "person" shall be inserted. In the same sentence, "in accordance with N.J.A.C 5:23-2.21(c)" shall be inserted after "charge."

vii. In Section 1704.3, Steel construction, "the on-site erection of" shall be inserted after "for."

viii. In Table 1704.3, Required Verification and Inspection of Steel Construction, Items 1, 3, and 4 shall be deleted.

ix. In Section 1704.5, Masonry construction, "in Seismic Design Category D" shall be inserted after the second "construction." In the same section, in Exception 2, the reference to "Table 1805.5(1)" shall be deleted.

x. Section 1704.6, Wood construction, shall be deleted in its entirety.

xi. Section 1704.9, Pier foundations, shall be deleted in its entirety.

xii. In Section 1705.1, Scope, "for Seismic Design Category D buildings" shall be inserted after "provided."

xiii. Section 1706, Quality Assurance for Wind Regulations, shall be deleted in its entirety.

xiv. Sections 1708.1, Masonry, 1708.1.1, Empirically designed masonry and glass unit masonry in nonessential facilities, 1708.1.2, Empirically designed masonry and glass unit masonry in essential facilities, 1708.1.3, Engineered masonry in nonessential facilities, 1708.1.4, Engineered masonry in essential facilities, 1708.3, Reinforcing and pre-stressing steel, 1708.4, Structural tests, and 1708.5, Mechanical and electrical equipment, shall be deleted in their entirety.

xv. Section 1709, Structural Observations, shall be deleted in its entirety.

16. Chapter 18, Soils and Foundations, shall be amended as follows:

i. In the title of Section 1802.2.6, "Seismic Design Category C" shall be deleted and "Seismic Design Category D" shall be inserted. In the first sentence, the reference to "Seismic Design Category C" shall be deleted and "Seismic Design Category D" shall be inserted.

ii. New Section 1802.2.8 from Section 1802.1 of the 1996 BOCA National Building Code shall be inserted as follows: "Building Height: For all buildings that are more than three stories or 40 feet (12,192 mm) in height, the building official shall request soil tests."

iii. Section 1802.4.1, Exploratory boring, shall be amended as follows: After the first sentence, the following sentence from Section 1802.1 of the 1996 BOCA

National Building Code shall be inserted: "There shall be at least one exploratory boring to rock or to an adequate depth below the load-bearing strata for every 2,500 square feet (232.5 m²) of built-over area, and such additional tests as the code official requires."

iv. In Section 1802.6, Reports, "soil borings are required" shall be inserted after "Where."

v. In Section 1805.2.1, Frost protection, "400 square feet (37 m²)" shall be deleted and "100 square feet (9.25 m²)" shall be inserted.

vi. In Section 1806.3.1, Floors, "60" shall be deleted and "6" shall be inserted.

vii. New Section 1806.5 from Section 1813.8 of the 1996 BOCA National Building Code shall be inserted as follows: "1806.5 Erosion protection: Where water impacts the ground from the edge of the roof, downspout, scupper or other rain water collection or diversion device, provisions shall be made to prevent soil erosion and direct the water away from the foundation."

viii. Section 1807.2.6, Spacing, shall be deleted in its entirety and Section 1816.9 of the 1996 BOCA National Building Code shall be inserted as follows: "Spacing: The minimum center-to-center spacing of piles shall not be less than twice the average diameter of a round pile, nor less than 1¼ times the diagonal dimension of a rectangular pile. Where driven to or penetrating into rock, the spacing shall not be less than 24 inches (610 mm). Where receiving principal support at the end from materials other than rock, or through friction resistance, the spacing shall not be less than 30 inches (762 mm) except that for piles having enlarged bases formed either by compacting concrete or driving a pre-cast base, the minimum center-to-center spacing shall be 4½ feet (1,372 mm). The spacing of piles shall be such that the average load on the supporting strata will not exceed the safe load-bearing value of those strata as determined by test borings or other approved methods."

ix. In Section 1807.2.23.2, Seismic Design Category D, E, or F, the references to "Seismic Design Categories E and F" shall be deleted.

x. Section 1808.2.2.1, Materials, shall be deleted in its entirety and Section 1821.2.2 of the 1996 BOCA National Building Code shall be inserted as follows: "All concrete shall have a 28-day specified compressive strength (f'_c) of not less than 4,000 psi (27579 kPa)."

17. Chapter 21, Masonry, shall be amended as follows:

i. In Figure 2111.1, Fireplace and Chimney Details, in the plan view illustration, Letter B is improperly dimensioned. The text of Section 2111.10 shall prevail.

18. Chapter 23, Wood, shall be amended as follows:

i. In Section 2303.4.1, entitled "Truss Design Drawings," the third sentence shall be amended to insert "and truss layout drawings" after "Truss shop drawings."

ii. New Section 2303.4.2, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss."

19. Chapters 27, Electrical; 28, Mechanical Systems; and 29, Plumbing, shall be deleted in their entirety.

20. Chapter 30, Elevators and Conveyor Systems, shall be amended as follows:

i. In Section 3001.1, Scope, "and where applicable N.J.A.C. 5:23-12" shall be inserted after "chapter."

ii. In Section 3001.2, Referenced standards, "this code" shall be deleted and "these rules" shall be inserted. In the same section, "with the exception of Rule 1206.1h, Part XX and Part XXI" shall be inserted after "ASME A17.1" and "ASME A18.1" shall be inserted after "ASME A90.1." In addition, at the end of the section, the following shall be inserted: "The scope of Part XXIV of ASME A17.1, entitled "Elevator Safety Requirements for Seismic Risk Zone 2 or Greater," is deleted."

iii. Section 3002.4, Elevator car to accommodate ambulance stretcher, shall be amended as follows: In the first sentence, after "In buildings four stories in height or more," insert " , other than multiple dwellings,".

iv. New Section 3002.4.1, Elevators in newly constructed multiple dwellings, shall be inserted as follows: "When an elevator is installed in any newly constructed multiple dwelling, the elevator shall meet the dimensional requirements above."

v. New Section 3003.3, Standardized fire service keys, shall be inserted as follows: "All new elevators shall be equipped to operate with a standardized fire service key."

vi. In Section 3004.4, Closed vents, "annealed glass" shall be deleted and "plain glass" shall be inserted.

vii. In Section 3004.5, Plumbing and mechanical systems, the exception shall be deleted.

21. Chapter 31, Special Construction, shall be amended as follows:

i. New Section 3102.3.2, which shall be the text of Section 3104.6 of the 1996 BOCA National Building Code, shall be inserted as follows: "Certification: An affidavit or affirmation shall be submitted to the code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit or

affirmation shall attest to the following information relative to the flame-resistance of the fabric:

- 1. Names and addresses of the owners of the tent or air-supported structure.
- 2. Date the fabric was last treated with flame-resistant solution.
- 3. Trade name or kind of chemical used in treatment
- 4. Name of person or firm treating the material.
- 5. Name of testing agency and test standard by which the fabric was tested."

ii. Section 3103.1.1 shall be deleted in its entirety and the following shall be inserted:

"Temporary structures, tents, tensioned membrane structures, and canopies meeting the criteria in N.J.A.C. 5:23-2.14 shall not require a permit. Greenhouses meeting the criteria in N.J.A.C. 5:23-3.2(d) shall not require a permit."

iii. Section 3109, Swimming Pool Enclosures, shall be deleted in its entirety and the following shall be inserted:

"3109

SWIMMING POOLS, SPAS AND HOT TUBS

3109.1 General. The provisions of this section shall control the design and construction of swimming pools, spas and hot tubs.

3109.2 Definitions. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL.

See "Swimming pool"

BARRIER.

A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB.

See "Swimming pool."

IN-GROUND POOL.

See "Swimming pool."

RESIDENTIAL.

That which is situated on the premises of a detached one-or two-family dwelling or a one-family townhouse.

SPA, NONPORTABLE.

See "Swimming pool."

SWIMMING POOL.

(b)3i: amended text.
 Amended by R.1986 d.380, effective September 22, 1986.
 See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a).
 Substantially amended.
 Amended by R.1987 d.374, effective September 21, 1987.
 See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
 Model subcode revisions.
 Amended by R.1988 d.270, effective June 20, 1988.
 See: 20 N.J.R. 575(a), 20 N.J.R. 1344(a).
 Added (a)3 and (c).
 Amended by R.1990 d.253, effective May 21, 1990.
 See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).
 Text added at (c)2ii, 4, 5 and 7.
 Amended by R.1990 d.325, effective July 2, 1990.
 See: 21 N.J.R. 1654(a), 22 N.J.R. 2001(a).
 Text added at (b)5xii(1) to conform to Fire Code.
 Amended by R.1990 d.507, effective October 15, 1990.
 See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).
 Text conformed to BOCA National Code/1990.
 Amended by R.1990 d.558, effective November 19, 1990.
 See: 22 N.J.R. 1969(b), 22 N.J.R. 3483(a).
 Conditional exemption for hoopouses or polyhouses added.
 Amended by R.1991 d.325, effective July 1, 1991.
 See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).
 Article 26 amended at (b)14.
 Amended by R.1991 d.429, effective August 19, 1991.
 See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).
 In (a), added 3. Added (c).
 Amended by R.1992 d.244, effective June 15, 1992.
 See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).
 Text added at (b)10v through viii.
 Amended by R.1993 d.662, effective December 20, 1993.
 See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Amended by R.1995 d.477, effective September 5, 1995.
 See: 27 N.J.R. 1717(a), 27 N.J.R. 3328(a).
 Added (b)2v.
 Amended by R.1998 d.332, effective July 6, 1998.
 See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).
 Rewrote the section.
 Amended by R.2000 d.492, effective December 18, 2000.
 See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).
 Rewrote (b)25.
 Amended by R.2001 d.127, effective April 16, 2001.
 See: 33 N.J.R. 392(a), 33 N.J.R. 1195(a).
 In (a)9, added new ix and recodified former ix through xiii as new x through xiv.
 Amended by R.2001 d.368, effective October 15, 2001.
 See: 33 N.J.R. 1990(a), 33 N.J.R. 3673(b).
 In (b)9, inserted a new ix and recodified former ix through xiv as x through xv.
 Amended by R.2001 d.369, effective October 15, 2001.
 See: 33 N.J.R. 2365(a), 33 N.J.R. 3674(a).
 In (b), substituted "seven" for "7 1/3 (2335 mm)" in 2vi, rewrote 10, added a new 17, and recodified former 17 through 26 as 18 through 27.
 Amended by R.2002 d.215, effective July 1, 2002.
 See: 34 N.J.R. 1078(a), 34 N.J.R. 2312(a).
 In (b)22, inserted new ii and recodified existing ii through xvii as iii through xviii.
 Administrative correction.
 See: 34 N.J.R. 3771(b).
 Amended by R.2003 d.187, effective May 5, 2003.
 See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).
 Rewrote the section.
 Administrative correction.
 See: 35 N.J.R. 2864(b).
 Amended by R.2003 d.351, effective September 2, 2003.
 See: 35 N.J.R. 1177(a), 35 N.J.R. 4051(a).
 In (b)9, added xi; recodified existing xi to xiii as xii to xiv.
 Amended by R.2003 d.420, effective November 3, 2003.
 See: 34 N.J.R. 4248(a), 35 N.J.R. 5073(a).
 Rewrote (b).

Administrative correction.
 See: 36 N.J.R. 3525(c).
 Amended by R.2004 d.423, effective November 15, 2004.
 See: 36 N.J.R. 3004(a), 36 N.J.R. 5090(a).
 In (b)5, added ii.
 Amended by R.2005 d.4, effective January 3, 2005.
 See: 36 N.J.R. 4049(a), 37 N.J.R. 47(a).
 In (b)19, added new iv and recodified former iv and v as v and vi.
 Administrative correction.
 See: 37 N.J.R. 502(b), 674(a).
 Amended by R.2005 d.403, effective November 21, 2005.
 See: 37 N.J.R. 2753(a), 37 N.J.R. 4399(b).
 Added (b)14xi and recodified former (b)14xi-xiii as (b)14xii-xiv; added (b)18 and recodified former (b)18-25 as (b)19-26.
 Amended by R.2005 d.446, effective December 19, 2005.
 See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).
 In (b)3viii(3), substituted "one- and two-family" for "single-family"; in (b)3viii(5), "Group R-5 also includes: ..."
 Amended by R.2006 d.28, effective January 17, 2006.
 See: 37 N.J.R. 2750(a), 38 N.J.R. 485(b).
 Rewrote (b)9, 20 and 21.
 Amended by R.2006 d.157, effective May 1, 2006.
 See: 37 N.J.R. 3108(a), 38 N.J.R. 1824(a).
 Rewrote (b)21.ii
 Administrative Correction.
 See: 38 N.J.R. 3024(a).

Case Notes

Set back provisions of borough zoning ordinance controlled conflicting state building code provisions. *Pfeuffer v. Sculco*, 242 N.J.Super. 181, 576 A.2d 309 (A.D.1990).

5:23-3.15 Plumbing subcode

(a) Rules concerning subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the Model Code of the National Association of Plumbing Heating-Cooling Contractors, known as "The National Standards Plumbing Code/2003," as the plumbing subcode for New Jersey.

i. Copies of this code may be obtained from the sponsor at: NAPHCC, P.O. Box 6808, Falls Church, VA 22046.

2. "The National Standard Plumbing Code/2003," including appendices, may be known and cited as "the plumbing subcode."

(b) The following pages, chapters, sections or appendices of the plumbing subcode are amended as follows:

1. The section entitled "Administration," comprising sections ADM 1.1 through ADM 1.13, is deleted in its entirety.

2. Chapter 1 of the plumbing subcode, entitled "Definitions," is amended as follows:

i. Delete the term and definition of "Adopting Agency."

ii. Amend the definition of "approved" as follows: delete "Sec. 3.12" and insert "N.J.A.C. 5:23-3.7."

iii. Delete the definition of "Authority Having Jurisdiction" and insert the following: "Unless otherwise de-

fined herein, or unless the context clearly indicates otherwise, the term "authority having jurisdiction" for purposes of the plumbing subcode, shall mean the "plumbing subcode official."

iv. The definition of the term "building" is deleted, and substitute in lieu thereof, the definition of the term "building" found in N.J.A.C. 5:23-1.4.

v. In the definition of "Building Classification" delete "authority having jurisdiction" and insert "building subcode" at N.J.A.C. 5:23-3.14.

vi. The term and definition of "code" are deleted.

vii. The term and definition of "family" are deleted.

viii. The term and definition of "nuisance" are deleted.

ix. Add the following new definition after the definition of Swimming Pool: Swimming Pool, Public: A swimming pool located on any property other than a one or two family residential property and including, but not limited to, swimming pools open to the use of members, residents or the public.

3. Chapter 2 of the plumbing subcode, entitled "General Regulations," is amended as follows:

i. Section 2.5 is deleted in its entirety.

ii. In Section 2.9.3 delete "Building Code or as required by the proper Authority Having Jurisdiction" and insert "building subcode."

iii. Section 2.12 is amended to delete subparagraph e.

iv. In Section 2.16, at Item 1, insert the number "42" in the blank space provided. Additionally, add the following sentence: "Combination domestic/fire water service piping shall be installed such that the minimum earth cover is 42 inches or the top of the pipe is 12 inches below the frost depth of the locality, whichever is greater. Limited-area sprinkler systems installed in accordance with Section 903.3.5.1.1 of the building subcode, shall be installed such that the minimum earth cover is 42 inches." In the same section, at Item 2, insert the number "24" in the blank space provided and add the following sentence at the end: "Minimum earth cover for building sewers connected to a private sewage disposal system shall be 6 inches."

v. Section 2.19.1 is amended to delete the blank and the words "feet of any property line of the premises, or other."

vi. Section 2.19.2 is amended to delete the words "the Health Department or other agency having jurisdiction" and substitute in lieu thereof "The New Jersey Department of Environmental Protection."

vii. In Section 2.25, at Item 8, insert "and which does not otherwise adversely affect health and safety" at the end of the section.

4. Chapter 3 of the plumbing subcode, entitled "Materials," is amended as follows:

i. In Section 3.1.1 delete "Minimum." In the same section at items (1) and (2), delete "Section 3.12.2" and insert "N.J.A.C. 5:23-3.7."

ii. In Section 3.1.2, at Item a, delete "at least." In the same section, delete "Section 3.12" and insert "N.J.A.C. 5:23-3.7."

iii. In Section 3.1.3 delete "Section 3.12.2" and insert "N.J.A.C. 5:23-3.7."

iv. Section 3.3.8a is amended to add the following phrase: "Pressure vessels shall be designed and constructed in accordance with the requirements of American Society of Mechanical Engineers, (ASME), Rules for Construction of Pressure Vessels, Section VIII/1998. Any pressure vessel that exceeds any of the following, shall meet the requirements of ASME and shall be stamped ASME: A heat input rating of 200,000 BTU per hour; or a water temperature of 200 degrees Fahrenheit; or a nominal water capacity of 120 gallons or any other thresholds of ASME that apply."

v. Section 3.3.11 entitled "Septic Tanks" is deleted in its entirety.

vi. Add new section 3.4.2.1 as follows: 3.4.2.1 Combination Domestic/Fire Water Service: Water service piping for combination domestic/fire water services shall be of materials listed in Table 3.4 and shall be water pressure rated not less than 200 psig at 73°F. Joint restraints shall comply with Section 6.3, entitled "Joint Restraint for Fire Mains" per NFPA 13.

Exception: Limited area sprinkler systems installed in accordance with Section 903.3.5.1.1 of the building subcode, shall be water pressure rated not less than 160 psig at 73°F.

vii. In Section 3.11.1 delete "approved by the Authority Having Jurisdiction."

viii. In Section 3.11.2 delete "except as may be otherwise authorized by the Authority Having Jurisdiction."

ix. Sections 3.12.1, 3.12.2, 3.12.3, 3.12.4, and 3.12.5 are deleted in their entirety.

5. Chapter 4 of the plumbing subcode entitled, "Joints and Connections" is amended as follows:

i. In Section 4.3.8(b)(3) delete "be approved by the Authority Having Jurisdiction if such products are not listed or labeled" and insert "or as permitted under N.J.A.C. 5:23-3.7."

6. Chapter 5 of the plumbing subcode entitled, "Traps, Cleanouts and Backwater Valves" is amended as follows:

i. In Section 5.3.2, Exception (2), delete "administrative authority" and insert "Authority Having Jurisdiction in accordance with N.J.A.C. 5:23-3.3."

vi. Boiler, pressure vessel and refrigeration inspector I.C.S.: A boiler, pressure vessel and refrigeration inspector I.C.S. is authorized to carry out field inspections and plan review work in the enforcement by the Department of the boiler, pressure vessel and refrigeration subcode;

vii. Boiler, pressure vessel and refrigeration inspector R.C.S.: A boiler, pressure vessel and refrigeration inspector R.C.S. is authorized to carry out field inspections and plan review work in the enforcement by the Department of the boiler, pressure vessel and refrigeration subcode.

Amended by R.1977 d.435, effective December 15, 1977.

See: 9 N.J.R. 456(c), 9 N.J.R. 558(b).

Amended by R.1981 d.462, effective December 7, 1981.

See: 13 N.J.R. 390(a), 13 N.J.R. 885(d).

(b): Renumbering; (b)4 and 4i added.

Amended by R.1991 d.308, effective June 17, 1991.

See: 23 N.J.R. 1085(a), 23 N.J.R. 1923(a).

RCS license to be phased out, effective July 31, 1993.

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

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

Elevator inspector classification and authority added at (b).

Amended by R.1992 d.272, effective July 6, 1992.

See: 24 N.J.R. 1446(a), 24 N.J.R. 2424(a).

Text deleted at (a); (b) recodified.

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

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

Added (b)1vii.

Amended by R.2001 d.303, effective September 4, 2001.

See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

Added (a)3.

Amended by R.2004 d.67, effective February 17, 2004.

See: 35 N.J.R. 4627(a), 36 N.J.R. 949(b).

In (a)1vii, substituted "subcode in structures of Group R-3 or R-5" for "subcode in Use Group R-3 or R-4 structures".

5:23-5.4 Licenses required

(a) No person shall be appointed to, or shall hold, the position of construction official or subcode official unless that person has received a license required for that position pursuant to these regulations.

(b) No person shall be appointed to, or shall hold, a technical inspector position in an enforcing agency for which a license requirement has been established by this chapter unless that person has received the license required by these rules for that position.

(c) No person shall act to enforce any special technical provision or article of the rules for which the Commissioner shall have established in N.J.A.C. 5:23-5.3 a requirement for an additional special technical license, unless such person shall have received the required special technical license within one year following the effective date of the requirement for such license.

(d) Enforcing agencies may establish code enforcement trainee positions subject to the following rules:

1. Persons applying for a trainee position with an enforcing agency must be officially registered with the Department of Community Affairs on the form provided by the Licensing Unit of the Bureau of Code Services prior to being hired as a trainee.

i. Trainees shall renew their registration yearly and shall notify the Department of Community Affairs, Bureau of Code Services, Licensing Unit, of any change in employment status or address within one month of the change.

ii. A nonrefundable processing fee of \$20.00 is required for the initial Trainee Registration Request and for each subsequent renewal request.

2. Persons meeting the following experience requirements shall be eligible to register as trainees:

i. Fire protection inspector trainee—a minimum of one year of experience in the fire service (other than as an apprentice or person in training) with fire prevention, fire protection or firefighting responsibilities, or with one year experience in building construction as a journeyman, contractor, or design draftsman relative to the fire protection subcode.

ii. Building inspector trainee—a minimum of one year of experience in building construction as a journeyman, inspector, contractor or design draftsman relative to the building subcode.

iii. Plumbing inspector trainee—a minimum of one year of experience as a journeyman plumber, contractor or design draftsman relative to the plumbing subcode.

iv. Electrical inspector trainee—a minimum of one year of experience as a journeyman electrician, contractor or design draftsman relative to the electrical subcode.

v. Persons who have graduated from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, or who possess an associate's degree in code enforcement, or have a current New Jersey registration/license as an architect or engineer shall be exempt from the experience requirement for trainee employment.

3. Trainees shall be evaluated by their supervisors on a quarterly basis. This evaluation shall include a brief description of the trainee's code enforcement activities and an assessment of the trainee's performance in these activities. Trainees who receive satisfactory evaluation ratings by their supervisors and who occupy enforcing agency trainee positions while registered with the Department may use the trainee experience toward satisfying the experience requirement for licensure in accordance with this subchapter. The effective date of the trainee experience begins at the time the person is hired as a registered trainee by an authorized agency.

4. The following conditions apply to work performed by a trainee:

i. Trainees may perform inspections required by N.J.A.C. 5:23-2.18 only under the direct supervision of an official or inspector licensed in the subcode area in which the trainee position has been approved. The licensed supervisor must be on site with the trainee during the performance of all required inspections.

ii. Trainees may perform an inspection of a singular specific point on a project, or a repetitive singular specific point on one or more projects, if directed to do so by a licensed supervisor where no code interpretation is required. In any such case, the inspection report shall be completed and signed by the trainee and reviewed and countersigned by the licensed supervisor.

iii. Trainees shall not act as subcode or construction officials or sign any permits, stickers, approved plans or inspection reports except as otherwise permitted by (d)5i and ii above.

5. The supervisor of the trainee shall possess a valid code enforcement license in the same subcode as the registered trainee working under his or her direct supervision.

i. A qualified licensed inspector shall not supervise more than one trainee.

ii. Failure of a supervisor to properly oversee a registered trainee in accordance with the provisions of the rules may result in disciplinary action against the supervisor.

6. To remain employed by an enforcing agency, a trainee must enroll in, and successfully complete, the appropriate approved course within two years of the effective date of his or her employment. Trainees who fail to successfully complete the appropriate course within two years of the effective date of their employment shall not be permitted to renew their registration until successful completion is achieved.

7. To remain employed by an enforcing agency, a trainee must pass the appropriate modules of the National Certification Test in his specific code area within two years of the effective date of employment.

(e) Enforcing agencies may establish code enforcement intern positions subject to the following:

1. Persons applying for an intern position with an enforcing agency must be officially registered in accordance with this subchapter with the Department of Community Affairs on the form provided by the Licensing Unit of the Bureau of Code Services prior to being hired as an intern.

i. Interns shall renew their registration yearly and shall notify the Department of Community Affairs, Bureau of Code Services, Licensing Unit within one month of any change in employment status prior to accepting any new position and of any change of address.

ii. A nonrefundable processing fee of \$20.00 is required for the initial Intern Registration Request and for each subsequent renewal request.

2. Persons meeting the following requirements shall be eligible to be employed as interns:

i. Fire protection inspector intern: possession of an associate degree in code enforcement with a major in the fire protection subcode;

ii. Building inspector intern: possession of an associate degree in code enforcement with a major in the building subcode area;

iii. Plumbing inspector intern: possession of an associate degree in code enforcement with a major in the plumbing subcode area; and

iv. Electrical inspector intern: possession of an associate degree in code enforcement with a major in the electrical subcode area.

3. Interns shall be evaluated by their supervisors on a quarterly basis.

i. The evaluation must include a brief description of the intern's code enforcement activities and an assessment of the intern's performance in these activities.

ii. Interns who receive satisfactory evaluation ratings from their supervisors and who occupy enforcing agency intern positions while registered with the Department may use the intern experience toward satisfying the experience requirement for licensure.

iii. The period of intern experience begins at the time a person is hired as a registered intern by an authorized agency.

4. The following conditions apply to work performed by interns:

i. Interns may perform all inspections allowed for a trainee as described in (d)5i and ii above.

ii. In addition, with the written approval of an intern's supervisor, the intern may perform the following types of inspections without the supervisor being present during the inspection:

(1) Reinspections of previously failed documented inspections for one and two family dwellings;

(2) Footing inspections as described in N.J.A.C. 5:23-2.18(b)1i(1) for one and two family dwellings (building inspector interns with written approval of their supervisors only).

iii. An intern shall not act as a subcode or construction official nor sign any permits, stickers, approved plans or inspection reports, except as permitted in (e)4i and ii above.

5. The supervisor of the intern must possess a valid code enforcement license in the same subcode as the registered intern working under his or her supervision.

i. A qualified licensed inspector shall not supervise more than one intern.

ii. Failure of a supervisor to properly oversee a registered intern in accordance with the provisions of this subsection may result in disciplinary action against the supervisor.

iii. The supervisor must complete the quarterly reports and keep a written file on the progress of the intern. This file must include written authorization to perform inspections as listed in N.J.A.C. 5:23-5.4(e)4. At the end of one year of full time internship, the supervisor shall forward notice to the Department of Community Affairs, Bureau of Code Services, Licensing Unit of successful completion of the internship. If the internship is not for a full year, or is part time, that time may also be documented.

6. To remain employed by an enforcing agency, an intern must pass the appropriate module(s) of the National Certification Test in his or her specific code area within one year of the effective date of employment.

(f) Violations:

1. It shall be a violation of these regulations for any construction or subcode official or technical inspector to represent himself or herself to be qualified for a position that the person does not currently hold, or to use a title or otherwise represent himself to be qualified for a position that the person does not currently hold, or to use a title or otherwise represent himself as licensed or authorized to act under the code if that person does not possess the required license. In addition to any other remedy available under law, such shall be deemed a violation of this section subject to penalty of not more than \$500.00 for each offense.

2. It shall be a violation of these rules for any person to hold or perform the duties of an office for which a license is required herein, or for any person to represent himself or herself as qualified for such position, or to use any title or otherwise represent himself or herself as licensed or authorized to act under the code if the person does not possess that license. In addition to any other remedy available under law, such action shall be deemed a violation of this section and subject to a penalty of not more than \$500.00 for each offense.

3. It shall be a violation of these rules in the case of construction and subcode officials and technical inspectors for any enforcing agency, including private on-site inspection and plan review agencies, to offer employment to or to retain for employment any person who is not licensed in accordance with these rules if such person has not been previously and continuously employed by such agency. Further, it shall be a violation of these rules for an enforcing agency to continue an individual in employment in a position for which a license is required pursuant to these rules, or to hire an individual for such a position, if such person is not licensed in accordance with this subchapter. Violation of this section shall be deemed a failure to perform within the meaning of N.J.A.C. 5:23-4.3(f), and the Department may exercise the remedies provided therein.

4. It shall be a violation of the State Uniform Construction Code Act for any agency of the State of New Jersey, which is charged with enforcing agency responsibilities pursuant to the act or these rules, to fail to comply with paragraphs 1, 2 and 3 of this subsection.

Amended by R.1984 d.494, effective November 5, 1984.

See: 16 N.J.R. 1643(a), 16 N.J.R. 3007(a).

(d) substantially amended.

Amended by R.1985 d.85, effective March 4, 1985.

See: 16 N.J.R. 3372(a), 17 N.J.R. 579(a).

(d) amended.

Amended by R.1985 d.231, effective May 20, 1985.

See: 17 N.J.R. 341(a), 17 N.J.R. 1258(a).

(d)li added.

Amended by R.1985 d.353, effective July 15, 1985.

See: 17 N.J.R. 1032(a), 17 N.J.R. 1758(b).

Subsection (d) substantially amended.

Amended by R.1985 d.612, effective January 6, 1986.

See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

(d)3 substantially amended.

Amended by R.1987 d.509, effective December 7, 1987.

See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

Substantially amended.

Administrative Corrections to (c), (d)2 and (d)2ii.

See: 22 N.J.R. 2503(b).

Amended by R.1992 d.272, effective July 6, 1992.

See: 24 N.J.R. 1446(a), 24 N.J.R. 2424(a).

Trainee registration required; processing fee raised to \$20.00; "directly" broadened to "significant".

Amended by R.1992 d.292, effective July 20, 1992.

See: 24 N.J.R. 1669(b), 24 N.J.R. 2557(a).

Provision to license interns added.

Amended by R.1993 d.105, effective March 1, 1993.

See: 24 N.J.R. 4309(a), 25 N.J.R. 920(b).

Added subsection (g).

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

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

Amended internal citations throughout; in (a) and (b), deleted October 1, 1978 trigger date; in (f)3, inserted ", or to hire an individual for such a position,"; and deleted (g), relating to interim rules.

5:23-5.5 General license requirements

(a) A candidate for a license of any type issued pursuant to this subchapter shall submit an application to the Licensing Unit, Bureau of Code Services, accompanied by the required nonrefundable application fee established in N.J.A.C. 5:23-5.22. The application shall include such information and documentation as the Commissioner may require pursuant to this subchapter.

(b) After receipt of the required nonrefundable fee, the Department shall determine, by examination of the application and review of supporting documents, including substantial evidence of acceptable experience, successful test results, training and/or education submitted, whether an applicant is qualified for a license of the type and specialty for which the application has been made. If the application is satisfactory, the Commissioner shall issue a license to the applicant. This license will show that the person has met the established requirements and is eligible to be employed in this State in accordance with the provisions of this chapter.

1. The Commissioner may deny or refuse to issue a license to an applicant if the application is incomplete or upon proof that there has been any act or omission which would constitute grounds for revocation under this subchapter.

2. Upon receipt of an incomplete application, the non-refundable application fee shall be collected and a letter of acknowledgment forwarded to the applicant setting forth the manner in which the application is incomplete.

3. The applicant shall submit a complete application within 18 months of receipt of the letter of acknowledgment. If a complete application is not submitted within the 18 month period, the application shall be deemed abandoned, no further action shall be taken on it by the Department and a new application and non-refundable fee shall be required if the applicant desires to reapply.

4. Only test results for test modules passed within three years prior to, or at the time of, application shall be accepted toward fulfilling the requirement for the license sought.

5. Only those approved courses completed within a five-year period immediately preceding the time of application for a license shall be considered acceptable toward fulfilling the requirements for the technical or administrative license sought.

i. Persons who have completed an approved course shall be eligible for tuition reimbursement when funds for such reimbursement are available; provided, however, that persons who repeat a course for any reason,

and have previously received tuition reimbursement for the course, shall not again be eligible for reimbursement for that course.

6. No credit shall be given by the Department for any experience not involving the construction or alteration of buildings, or its equivalent, as determined by the Department.

7. No credit shall be given by the Department for any journeyman experience unless documentation of the completion of a formal or informal apprenticeship program, or its equivalent, as determined by the Department, is provided. In general, the Department makes reference to the U.S. Department of Labor's National Apprenticeship Program for assigning the length of time required to complete an apprenticeship program in a given trade.

8. Credit for part-time work experience shall be given by the Department on a proportional basis. The Department has established a 35-hour work-week as the standard full time equivalent. No additional credit will be given for hours in excess of 35 per week, regardless of any amount of overtime which an applicant claims to have worked.

(c) A person licensed by the Department on the basis of having had a license, tenure or permanent civil service status prior to January 1, 1978 who subsequently loses his or her license as a result of revocation or of failure to renew within three years of lapsing must reapply for licensure under the requirements in effect at the time of reapplication.

(d) Special provisions:

1. An applicant who is licensed as a building inspector, electrical inspector, fire protection inspector or plumbing inspector shall be eligible for licensure as an inspector at the same level or lower in any other subcode, other than the elevator safety subcode or a State-jurisdiction subcode, upon satisfactory completion of the approved educational program, if applicable, and the examination for licensure as an inspector in that other subcode, provided that the applicant has at least the number of years experience required for that other subcode inspector's license.

2. An applicant licensed as an inspector may apply for a mechanical inspector's license to perform mechanical inspections in structures of Group R-3 or R-5.

3. An applicant who is licensed as an elevator inspector and who holds valid certification by the National Association of Amusement Ride Safety Officials (NAARSO) as a Level I (Basic) Inspector shall be eligible to be licensed as an amusement ride inspector I.C.S.

Amended by R.1981 d.462, effective December 7, 1981.
See: 13 N.J.R. 390(a), 13 N.J.R. 885(d).

(b)9 through 9ii added.

Amended by R.1981 d.463, effective December 7, 1981.
See: 13 N.J.R. 635(a), 13 N.J.R. 886(c).

(c) added "no credit shall be given . . . building".

Amended by R.1982 d.8, effective February 1, 1982.

See: 13 N.J.R. 799(b), 14 N.J.R. 143(a).

(b)liii and v: "such" added after "provided that"; "24" was "12"; and deleted "and further provided that's"; (b)5iii(3) deleted.

Amended by R.1982 d.19, effective February 1, 1982.

See: 13 N.J.R. 801(a), 14 N.J.R. 143(b).

(b) Substantially amended.

(c) "and" added between "application" and "review"; "alternative" deleted before "experience"; "pursuant to . . . N.J.A.C. 5:23-5.9" deleted.

Amended by R.1982 d.56, effective March 1, 1982.

See: 14 N.J.R. 8(a), 14 N.J.R. 237(a).

(b)li: added "provided . . . 52:27D-126(b);".

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

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

Substantially amended.

Amended by R.1984 d.425, effective October 1, 1984.

See: 16 N.J.R. 1644(a), 16 N.J.R. 2520(b).

Section substantially amended.

Amended by R.1985 d. 612, effective January 6, 1986.

See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

Substantially amended.

Amended by R.1986 d.255, effective July 7, 1986.

See: 18 N.J.R. 594(a), 18 N.J.R. 1373(a).

Deleted "satisfies the experience requirements for licensure" and substituted "is licensed" in (d)5.

Amended by R.1987 d.509, effective December 7, 1987.

See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

Substantially amended.

Administrative Correction to (a).

See: 22 N.J.R. 2503(b).

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

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

Test result and licensure requirements specified further at (b)4 and (c)3.

Amended by R.1992 d.272, effective July 6, 1992.

See: 24 N.J.R. 1446(a), 24 N.J.R. 2424(a).

Work week set at 35 hours; (d)1-4 deleted.

Amended by R.1993 d.105, effective March 1, 1993.

See: 24 N.J.R. 4309(a), 25 N.J.R. 920(b).

Persons serving as elevator inspectors when licensing rules proposed have an opportunity to qualify for licenses.

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

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

Added (d)2.

Administrative Correction.

See: 26 N.J.R. 1495(a).

Amended by R.1996 d.53, effective February 5, 1996.

See: 27 N.J.R. 4056(a), 28 N.J.R. 815(b).

Amended by R.1996 d.544, effective December 2, 1996 (operative February 1, 1997).

See: 28 N.J.R. 3996(a), 28 N.J.R. 5071(a).

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

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

In (b)4, deleted exception for tests taken prior to July 1, 1991; and substantially amended (c).

Amended by R.2001 d.303, effective September 4, 2001.

See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

In (d)1, inserted "or a State-jurisdiction subcode" following "safety subcode"; added (d)3.

Amended by R.2004 d.67, effective February 17, 2004.

See: 35 N.J.R. 4627(a), 36 N.J.R. 949(b).

In (d)2, substituted "mechanical inspections in structures of Group R-3 or R-5" for "mechanical inspections of Use Group R-3 or R-4 structures".

5:23-5.6 Construction official requirements

(a) A candidate for a license as a construction official shall meet the following qualifications:

1. Possession of the qualifications established for at least one of the following subcode official licenses: building, fire protection, electrical, plumbing or elevator; provided, however, that any person qualified as a fire protec-

tion subcode official must also have experience for the applicable period of time specified by N.J.S.A. 52:27D-126b; and

(b) A candidate for a license as amusement rides inspector I.C.S. shall have successfully completed an examination as required by N.J.A.C. 5:23-5.23A.

New Rule, R.2001 d.303, effective September 4, 2001.
See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

5:23-5.19C Amusement ride inspector H.H.S. requirements

(a) A candidate for a license as an amusement ride inspector H.H.S. shall meet the following experience requirements:

1. Five years of experience in the design, manufacture, operation, repair or inspection of carnival-amusement rides.

(b) A candidate for a license as amusement rides inspector I.C.S. shall have successfully completed an examination as required by N.J.A.C. 5:23-5.23A.

New Rule, R.2001 d.303, effective September 4, 2001.
See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

5:23-5.19D Boiler, pressure vessel and refrigeration inspector R.C.S. requirements

(a) A candidate for a license as a boiler, pressure vessel and refrigeration inspector R.C.S. meet one of the following experience requirements:

1. Five years of experience as an operator of high pressure boilers;
2. Five years of experience as a boiler maker; or
3. Five years of experience as an insurance inspector of boilers.

(b) A candidate for a license as a boiler, pressure vessel and refrigeration inspector R.C.S. shall have successfully completed an examination as required by N.J.A.C. 5:23-5.23A.

New Rule, R.2001 d.303, effective September 4, 2001.
See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

5:23-5.19E Boiler, pressure vessel and refrigeration inspector I.C.S. requirements

(a) A candidate for a license as a boiler, pressure vessel and refrigeration inspector I.C.S. shall meet the following experience requirements:

1. Five years as an inspector of high pressure boilers; or
2. Ten years as a grade A (gold seal) or grade B (red seal) operator of high pressure boilers.

(b) A candidate for a license as a boiler, pressure vessel and refrigeration inspector I.C.S. shall also meet the following requirements:

1. Possession for not less than one year of a class 1 grade A (gold seal) operator's license; and
2. Successful completion of an examination as required by N.J.A.C. 5:23-5.23A.

New Rule, R.2001 d.303, effective September 4, 2001.
See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

5:23-5.19F Boiler, pressure vessel and refrigeration inspector H.H.S. requirements

(a) A candidate for a license as a boiler, pressure vessel and refrigeration inspector H.H.S. shall meet the following experience requirements:

1. Five years as an inspector of high pressure boilers; or
2. Ten years as a grade A (gold seal) or grade B (red seal) operator of high pressure boilers.

(b) A candidate for a license as a boiler, pressure vessel and refrigeration inspector H.H.S. shall also meet the following requirements:

1. Possession for not less than one year of a class 1 grade A (gold seal) operator's license; and
2. Successful completion of examinations as required by N.J.A.C. 5:23-5.23A.

New Rule, R.2001 d.303, effective September 4, 2001.
See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

5:23-5.20 Standards for educational programs

(a) To carry out their responsibilities, code enforcement officials must be fully knowledgeable about code standards and adequately prepared to administer and enforce them properly. Code enforcement officials have the necessary technical and administrative training to effectively enforce the Uniform Construction Code at the local level. This article adopts explicit guidelines and standards for code enforcement official educational programs. Procedures governing the approval of such educational programs set forth in N.J.A.C. 5:23-5.24.

(b) This subsection covers the organizational, administrative and operational functions that support the code enforcement educational programs.

1. Purposes and objectives: Programs for the effective education of code enforcement officials are expected to operate with appropriate purposes and objectives. An institution seeking initial and continuing approval of education programs should include in its category clearly defined statements of such purposes and objectives.

2. Organization: Sound educational programs can be operated effectively only when supported by adequate institutional arrangements. Accordingly, only programs offered by or under the auspices of institutions of higher

education, licensed by the New Jersey Commission on Higher Education can be considered for approval.

i. The provisions of (b)2 above notwithstanding, the Commissioner may approve other training programs, such as those conducted by an evaluation or inspection agency authorized to enforce standards adopted pursuant to the Interstate Compact on Industrialized/Modular Buildings, where the students are solely code enforcement officials employed by the agency or by national model code organizations. The educational program proposal by any such evaluation or inspection agency must be submitted to the Department in the form specified in N.J.A.C. 5:23-5.24.

3. Admission, retention and evaluation policies and practices:

i. Admission to code enforcement official education programs: Provision should be made within the institution for orderly methods of obtaining and filing information relative to candidates applying for admission to code enforcement official education programs.

ii. Grading: An institution shall have evaluation procedures, including a mid-term and final examination, to assess the quality of its students when they complete programs and, at the very least, establish and apply pass/fail criteria.

iii. Retention: The nature of professional code enforcement studies calls for achievement and growth in technical competence. An institution should determine as objectively and systematically as possible specific strengths and weaknesses of the student as these effect the continuation of the student in code enforcement education programs.

iv. Evaluation: The institution should design and implement a well-defined plan for continuing evaluation of students enrolled in code enforcement programs. Measures of academic ability, observation by faculty (in courses, laboratories and field experiences) and other modes of appraisal should be utilized to assess specific strengths and weaknesses as they affect the student's retention within the education programs, readiness to assume a professional role in code enforcement.

4. Student personnel:

i. Supporting student services: Each student should know where to secure guidance and who is officially responsible for this program. Attention must be given to a plan for maintaining desirable student-faculty relationships.

ii. Student records: It is the responsibility of the institution to maintain an adequate system of student personnel accounting, including a permanent cumulative record of each student enrolled. To facilitate ready interpretation by licensing authorities, the graduate is entitled to an intelligible and adequate transcript of record, including a statement of course titles.

5. Faculty: Faculty members should be competent in their fields and have contacts with code enforcement environments and other sources so their teaching and research are current and relevant.

i. Faculty competence: The quality of the faculty is one of the more important factors in judging the effectiveness of an institution. Appraisal of the faculty should be made in terms of its competence to provide the program for which approval is being sought. Each faculty member, in subject matter and in professional fields, should have a high degree of competency in his area. The faculty consists of those instructors who teach in the curriculums and all personnel who direct students in all types of activities included as part of the curriculums. Those who teach courses should be familiar with practices in the code enforcement professional and/or building construction technology generally.

ii. Part-time faculty: The institution, recognizing that an appropriate faculty is one of the major determinants of the quality of its educational programs, should make provision for the use of part-time or adjunct faculty.

(1) No individual who has ever had a license suspended for a period of six months or more or has ever had a license revoked for any reason set forth in N.J.A.C. 5:23-5.25 shall be eligible to instruct code enforcement educational programs.

iii. Instruction: The institution will be expected to evaluate instruction systematically based on the performance of its students within the institution. Consideration will be given to such items as the performance of the student in class tests, the quality of their subsequent work, and the degree to which the institution as a whole attains its goals in the preparation of code enforcement personnel. The institution should show that it utilizes a variety of appropriate instructional procedures which contribute to the effectiveness of the student's preparation, such as class discussions, lectures, laboratory work, and newer media.

6. Facilities and instructional materials: The institution shall provide physical facilities, instructional materials and other resources essential for conducting education programs.

i. Building and grounds: An institution should have a physical plant designed to serve effectually its defined purposes for education.

ii. Library: The library, as the principal materials resource center of the institution, should be adequate for the instructional research and other services pertinent to the code enforcement educational programs.

iii. Laboratories: Each institution should be provided with laboratory equipment sufficient for instructional purposes for each program offered.

(1) Area I, Administration: Construction code administration's background, purpose, place in local government structure and relation to construction code administration programs at other levels of government. Personnel management including required personnel, records, budgeting. Basic principles of supervision and management. Local enforcement agency administration including records, reports, equipment, personnel procedures and regulations of the Federal, State and local government. Preparation of agency's budget, record keeping requirements under the State Uniform Construction Code including permit and certificate of occupancy records, variation application records and violation files and records. Major forms of manual and electronic methods of data processing. Method of establishing and maintaining proper review and approval procedures for permit applications to ensure compliance with the construction code and applicable laws and ordinances.

(2) Area 2, Legal methods of code enforcement: Purpose and fundamentals of stop orders, notices of penalties and court action. Powers and procedures available to deal with hazardous conditions and emergency situations including emergency work orders and bids and quotations process. Procedures for processing cases involving condemnations and other violations of the subcode from initiation through final compliance. Preparation of case records. Situations requiring a search warrant and the process of obtaining and issuing the warrant. The administrative hearing process under the State Construction Code Act. Legal aspects of the operations of the building and housing inspection agencies, including legal processes and rules of evidence. Legal responsibilities of inspection personnel. Appeals and process before boards of appeal.

(3) Area 3, Related legislation: Legal rights of landlords and tenants under Federal, State and local laws. Relocation laws and their relationship to code enforcement. Relationship of housing maintenance provisions State and local.

(4) Area 4, Subcodes: Housing code provisions including occupancy loads, minimum utilities and facilities. Building subcode provisions including structural requirements, durability and weatherability requirements, and light, air and ventilation requirements. Electrical subcode provisions including minimum service and appliances and basic circuits. Fire prevention code provisions including special permits required, storage and handling of goods and materials, maintenance of exit facilities and maintenance of fire protection equipment. Fire Protection subcode provisions including height and area requirements, fire resistance, flame spread and combustibility requirements; and fire alarm, detection and suppression systems. Plumbing subcode provisions including

sanitary waste disposal, water supply, venting and required facilities.

Amended by R.1985 d.612, effective January 6, 1986.

See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

Was 5:23-5.6.

Amended by R.1987 d.509, effective December 7, 1987.

See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

This section was "Facility fire protection supervisor requirements" which was repealed and 5.21 was recodified.

Administrative Correction to (a), (b)2 and (b)5.

See: 22 N.J.R. 2503(b).

Amended by R.1991 d.308, effective June 17, 1991.

See: 23 N.J.R. 1085(a), 23 N.J.R. 1923(a).

Midterm and final exams required at (b); RCS program increased to 60 contact hours; BOCA Building, Mechanical, Plumbing, Energy Conservation, Barrier-Free and CABO codes required in all courses, fire protection inspector subject requirements specified in greater detail.

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

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

Added elevator inspector standards at (d)11.

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

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

Subdivided (b)2 and substantially amended (b)2i.

Amended by R.2002 d.240, effective August 5, 2002.

See: 33 N.J.R. 4178(a), 34 N.J.R. 2784(a).

Rewrote the section.

5:23-5.21 Renewal of license

(a) The Department may issue the appropriate license following submission of an application, payment of the required nonrefundable fee, and verification by the Licensing Unit of the Bureau of Code Services that the applicant meets the requirements for renewal of the license established herein.

(b) Every three years, any license already issued shall be renewed upon submission of an application, payment of the required nonrefundable fee, and verification by the Licensing Unit of the Bureau of Code Services that the applicant has met such continuing educational requirements as may be established by the Commissioner.

1. The Department shall renew the license previously issued for a term of three years; provided, however, that it may renew any such license for a shorter period of time if so requested by the licensee. The renewal period shall begin 90 days prior to the expiration dates, which shall be July 31 or January 31.

(c) The Department shall issue, upon application, a duplicate license wallet card of the appropriate type and specialty, upon a finding that the license has been issued, and that the applicant is entitled to such license wallet card to replace one that has been lost, destroyed, or mutilated. Payment of a fee of \$10.00 shall be required.

(d) Continuing education requirements are as follows:

1. The following continuing education requirements are based upon the type(s) of license(s) held, and not upon employment positions held. Continuing Education Units (CEUs) will be subject to approval by the Bureau of Code Services. One CEU equals 10 contact hours.

CEUs will be awarded both for technical and for administrative licenses.

- i. Inspector license only—1.5 CEU (technical);
 - ii. Inspector and subcode official licenses—2.0 CEU's (1.5 technical and 0.5 administrative);
 - iii. Inspector, subcode official and construction official licenses—2.5 CEU's (1.5 technical and 1.0 administrative).
2. If an individual adds an inspector license in a new subcode area to an existing license, there will be no additional continuing education requirement for the new licenses during that licensure period.
 3. If an individual adds administrative licenses to an existing license, there will be no additional continuing education requirement for the new administrative license during that licensing period.
 4. To maintain a mechanical inspector's license, 1.5 CEU (technical) shall be completed, as required by this section, in addition to any other CEU requirements for other licenses held.
 5. The Department may determine that attendance at specific seminar(s) is mandatory for individual inspectors, subcode officials, or construction officials.
 - i. The Barrier Free Subcode seminar shall be a mandatory seminar. Each licensed building subcode official or building inspector shall have completed this course for license renewal on or after July 1, 1998. Barrier Free Subcode seminars completed after July 1, 1995 shall be counted toward meeting this requirement.
 - ii. The framing inspection seminar, which shall provide instruction in inspection methods and procedures, shall be a mandatory seminar. For licenses renewed on or after January 1, 2002, each licensed building inspector shall have completed the framing inspection seminar in order to renew his or her building inspector license(s). Beginning in the fall semester of 2001, the framing inspection seminar delivered through the Department's continuing education program shall be the only framing inspection seminar deemed to satisfy this requirement.
 - iii. If the Department establishes mandatory seminar(s), the seminar(s) will be offered in sufficient numbers and locations so as to facilitate compliance.
 - iv. For those code officials who do not complete the mandatory seminar(s), the Department shall offer either a special seminar or video seminar so the code official may be in compliance. The Department shall charge a fee of \$50.00 per person to attend any video seminar or special seminar.
 6. CEU credit for a given course shall be allowed with respect to all licenses held by a licensee to which the course may be applicable.

(e) Lapsed license renewal requirements are as follows:

1. Where the holder of a license has allowed the license to lapse by failing to renew the license as provided for in (b) above, a new application and license shall be required. If such application is made within three years of the license having lapsed, then application may be made in the same manner as a renewal application.
2. The late renewal application shall be accompanied by the appropriate renewal fee and an additional late fee of \$65.00 per year or fraction thereof.
3. Additionally, the licensee must make up or meet the annual continuing education training requirement for each active and expired year as specified herein.
4. Where a license has lapsed for a period exceeding three years, a new application shall be required in accordance with N.J.A.C. 5:23-5.5, and the applicant must meet all current licensure requirements.

(f) After revocation of a license upon any of the grounds set forth in these rules, the Licensing Unit may not renew or reinstate such license; however, a person may file a new application for a license with the Department.

(g) The Department shall not issue a new license to an applicant whose license was previously revoked unless and until the following conditions are met:

1. At least three years shall have passed since the effective date of the revocation of the previous license;
2. If the applicant was convicted of a crime related in any way to code enforcement, the Department shall have determined in light of the factors set forth in N.J.S.A. 2A:168A-2, that the applicant has been fully rehabilitated and that licensing the applicant would not be detrimental to the public welfare;
3. The applicant shall have made full restitution to any person who sustained a loss as a result of the act or omission for which the previous license was revoked; and
4. All conditions imposed by the order of revocation shall have been complied with.

Amended by R.1982 d.8, effective February 1, 1982.

See: 13 N.J.R. 799(b), 14 N.J.R. 143(a).

(b): Deleted "prior to July 31 in the second year" and added "The renewal ... January 31".

(c): Deleted "equal to ... license" and substituted "as may be ... Commissioner" therefor.

(d): Subsection was "reserved"; test added through (d)iii.

(e): Added "in accordance with N.J.A.C. 5:23-5.5".

Amended by R.1985 d.352, effective July 15, 1985.

See: 17 N.J.R. 1031(a), 17 N.J.R. 1758(a).

Expiration date changed from "45 days" to "90 days".

(e) substantially amended.

Amended by R.1985 d.528, effective October 21, 1985.

See: 17 N.J.R. 1705(a), 17 N.J.R. 2535(b).

Deleted text in (f) "When it can ... a new license."; (g) added.

Amended by R.1985 d.612, effective January 6, 1986.

See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

Was 5:23-5.7.

Amended by R.1987 d.509, effective December 7, 1987.

See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

Added (d)2 and recodified from 5.22.

Administrative Correction to (d), (d)1i and (f).

See: 22 N.J.R. 2503(b).

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

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

In (e)2, fee increased from \$30.00 to \$40.00.

Amended by R.1992 d.272, effective July 6, 1992.

See: 24 N.J.R. 1446(a), 24 N.J.R. 2424(a).

Fee non-refundable; renewal process begins 90 days before expiration.

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

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

Fees increased.

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

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

Added (d)4.

Amended by R.1996 d.53, effective February 5, 1996.

See: 27 N.J.R. 4056(a), 28 N.J.R. 815(b).

Amended by R.1996 d.545, effective December 2, 1996.

See: 28 N.J.R. 3997(a), 28 N.J.R. 5071(b).

Amended by R.1997 d.304, effective July 21, 1997.

See: 29 N.J.R. 2204(a), 29 N.J.R. 3248(a).

In (d), Substituted "Bureau of Code Services" for "Bureau of Technical Services"; and added (d)5ii(1).

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

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

Amended by R.1998 d.256, effective May 18, 1998.

See: 30 N.J.R. 758(a), 30 N.J.R. 1777(b).

In (d), rewrote 5; deleted former 5i and ii; recodified former 5ii(1) as 5i, and recodified former 5iii and iv as ii and iii.

Amended by R.2002 d.23, effective January 22, 2002.

See: 33 N.J.R. 2935(a), 33 N.J.R. 3883(a), 34 N.J.R. 523(a).

In (d)5, added new ii, and recodified existing ii through iii as iii through iv.

Case Notes

Denial of relicensure upheld for formerly licensed electrical subcode official who pled guilty to disorderly persons offense (based upon former licensee's misconduct while performing public responsibilities authorized by license). *Bevacqua v. Renna*, 213 N.J.Super. 554, 517 A.2d 1215 (App.Div.1986).

Examination of educational standards at former N.J.A.C. 5:23-5.6. *Twp. of Burlington v. Middle Department Inspection Agency, Inc.*, 175 N.J.Super. 624, 421 A.2d 616 (Law Div.1980).

5:23-5.22 Fees

(a) No application for a license shall be acted upon unless said application is accompanied by a non-refundable fee as specified herein.

1. A non-refundable application fee of \$65.00 shall be charged in each of the following instances:

i. Application for any one given technical license specialty, or for the Inplant Inspector or Mechanical Inspector license.

ii. Application for any one given technical license specialty plus the related Subcode Official license, if both are applied for at the same time.

iii. Application for any one given technical license specialty plus the related Subcode Official license, as well as the Construction Official license, if all three are applied for at the same time.

2. A non-refundable application fee of \$35.00 shall be charged for each administrative license applied for separately from a technical license.

3. Persons rejected for one or more licenses, and who subsequently reapply, are subject to the fee schedule as defined in (a)1i, ii and iii above.

4. Renewal fee: The three year renewal application fee shall be \$65.00.

5. Persons who have become ineligible to retain their administrative license by reason of failure to remove the provisional status of such license within the prescribed two-year period must submit a non-refundable application fee of \$35.00 in order to reapply for said administrative license without recourse to any further provisional status privilege.

6. Registration and examination fees for the certification of construction code officials: The fee schedule shall be as submitted by the administrative agency of the examination program to the Department.

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

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

In (a)1, added i-iii. In (a) 2 and 3, deleted old and added new text.

In (a)4, increased fee from \$20.00 to \$30.00. Also added 5 and 6.

Amended by R.1985 d.612, effective January 6, 1986.

See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

Was 5:23-5.12.

Amended by R.1987 d.509, effective December 7, 1987.

See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

Recodified from 5.23.

Administrative Correction to (a)3.

See: 22 N.J.R. 2503(b).

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

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

In (a)1, fee increased from \$30.00 to \$40.00.

In (a)2, fee increased from \$10.00 to \$20.00.

In (a)4, fee increased from \$30.00 to \$40.00.

In (a)5, fee increased from \$10.00 to \$20.00.

Amended by R.1992 d.272, effective July 6, 1992.

See: 24 N.J.R. 1446(a), 24 N.J.R. 2424(a).

Fee non-refundable; fee as charged to Department by administering agency.

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

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

Mechanical inspector added to (a)1i.

Amended by R.1996 d.53, effective February 5, 1996.

See: 27 N.J.R. 4056(a), 28 N.J.R. 815(b).

5:23-5.23 Examination requirements

(a) Examinations shall be held to determine minimum competency in the following license disciplines:

1. Building inspector R.C.S., building inspector I.C.S., building inspector H.H.S.;

2. Electrical inspector I.C.S., electrical inspector H.H.S.;

3. Fire protection inspector I.C.S., fire protection inspector H.H.S.;

4. Plumbing inspector I.C.S., plumbing inspector H.H.S.;

5. Elevator inspector H.H.S.;
6. Mechanical inspector H.H.S.; and
7. Inplant inspector.

(b) In instances where more than one license level within a given subcode area requires the successful completion of one or more examination modules, award of the higher level license specialty will be dependent upon successful completion of the educational program in accordance with N.J.A.C. 5:23-5.20 and the examination module(s) required for the lower level license, or possession of the applicable lower level license.

(c) Applicants for the licenses listed above shall demonstrate minimum competence by the successful completion of the applicable examination modules of any national testing program for construction code inspectors program approved by the Department.

(d) Requirements for specific licenses shall be as follows:

1. Examination requirements for building inspector R.C.S. shall be the successful completion of the following examination modules: building, one-and two-family dwelling, and mechanical, one-and two-family dwelling.

2. Examination requirements for building inspector I.C.S. shall be the successful completion of the following examination modules: building, general and mechanical, general.

3. Examination requirements for building inspector H.H.S. shall be the successful completion of the following examination module: building, plan review.

4. Examination requirements for electrical inspector I.C.S. shall be the successful completion of the following examination modules: electrical, one-and two-family dwelling, and electrical, general.

5. Examination requirements for electrical inspector H.H.S. shall be the successful completion of the following examination module: electrical, plan review.

6. Examination requirements for fire protection inspector I.C.S. shall be the successful completion of the following examination modules: fire protection, general, and mechanical, one and two-family dwelling.

7. Examination requirements for fire protection inspector H.H.S. shall be the successful completion of the following examination module: fire protection, plan review.

8. Examination requirements for plumbing inspector I.C.S. shall be the successful completion of the following examination modules: plumbing, general, and mechanical, general.

9. Examination requirements for plumbing inspector H.H.S. shall be the successful completion of the following examination module: plumbing, plan review.

10. Examination requirements for implant inspector shall be the successful completion of the following examination modules: building, one and two-family dwelling; electrical, one and two-family dwelling; mechanical, one and two-family dwelling; and plumbing, one and two-family dwelling.

11. Examination requirements for elevator inspector shall be the successful completion of the following examination module: elevator, general.

12. Examination requirements for mechanical inspector licensure shall be the successful completion of the following examination modules: mechanical, one and two-family dwelling; and mechanical, general.

(e) Information regarding the scheduling of examinations shall be available from the Licensing Unit and any testing agency approved by the Department to administer the examinations.

(f) Examinations shall be conducted in accordance with the rules and procedures established by any testing agency approved by the Department to develop or administer the examinations.

(g) After an examination has been completed and scored, applicants shall be notified of their final rating.

(h) The following records pertaining to every examination shall be preserved for a period of three years:

1. The resulting list of grades;

2. Such other records of information in the custody of the Department as may be pertinent.

Amended by R.1982 d.10, effective February 1, 1982.

See: 13 N.J.R. 801(a), 14 N.J.R. 143(b).

(a) substantially amended.

Amended by R.1982 d.436, effective December 20, 1982.

See: 14 N.J.R. 734(a), 14 N.J.R. 1449(a).

Increased examinations from once to twice annually. Added the National Certification Program Construction Code Inspector Tests by E.T.S. Deleted old text in (i) concerning rules for the conduct of examinations and added present text. Revised (m) concerning the preservation of examination records by deleting description of tests and applicant test papers.

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

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

Substantially amended.

Amended by R.1985 d.612, effective January 6, 1986.

See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

Was 5:23-5.9.

Amended by R.1987 d.509, effective December 7, 1987.

See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

Recodified from 5.24 and deleted (f) and (g).

Administrative Correction to (a).

See: 22 N.J.R. 2503(b).

Amended by R.1991 d.308, effective June 17, 1991.

See: 23 N.J.R. 1085(a), 23 N.J.R. 1923(a).

Exam modules 4A-Mechanical and 1 and 2 Family added to fire protection inspector ICS exam requirements.

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

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

Stylistic changes.

Amended by R.1992 d.272, effective July 6, 1992.

See: 24 N.J.R. 1446(a), 24 N.J.R. 2424(a).

Stylistic changes.

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

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

Added (d)12.

Amended by R.2002 d.240. effective August 5, 2002.

See: 33 N.J.R. 4178(a), 34 N.J.R. 2784(a).

Rewrote the section.

5:23-5.23A Examination requirements for State-jurisdiction subcode technical licensure

(a) Applicants for licensure as amusement ride inspector I.C.S. and amusement ride inspector H.H.S. shall demonstrate competence by successful completion of the relevant examinations of the National Association of Ride Safety Officials (NAARSO). Requirements for specific licenses are as follows:

1. Examination requirement for amusement ride inspector I.C.S.:
 - i. Successful completion of the Level I (Basic) Inspector examination;
2. Examination requirement for amusement ride inspector H.H.S.:
 - i. Successful completion of the Level II (Advanced) Inspector examination.

(b) Applicants for licensure as boiler, pressure vessel and refrigeration inspector R.C.S., boiler, pressure vessel and refrigeration inspector I.C.S. and boiler, pressure vessel and refrigeration inspector H.H.S. shall demonstrate competence by successful completion of the following examinations:

1. Examination requirements for boiler, pressure vessel and refrigeration inspector R.C.S.:
 - i. Successful completion of the examination for a Certificate of Competency administered by the Division of Codes and Standards;
2. Examination requirements for boiler, pressure vessel and refrigeration inspector I.C.S.:
 - i. Successful completion of the Basic examination of the National Board Commission.
3. Examination requirements for boiler, pressure vessel and refrigeration inspector H.H.S.:
 - i. Successful completion of the Basic, Level A (Shop) and Level B (Supervisory) examinations of the National Board Commission.

New Rule, R.2001 d.303, effective September 4, 2001.

See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

5:23-5.24 Procedure for approving educational programs

(a) Any licensed institution of higher education may submit any credit or noncredit course for approval as a component of the educational programs required by N.J.A.C. 5:23-5.20 herein. The application should be in letter form,

be submitted at least 60 days prior to the first class session of the course, and contain all the information specified herein.

(b) Each application should be submitted in the name of the institution by a person authorized to do so. It should contain the following minimum information:

1. The name of the course or program;
2. A description of the length of each session, the frequency of the sessions and the total number of sessions;
3. An outline showing the course or program content broken down by session. Any laboratory or practical work should be identified as such;
4. A description of any texts or materials to be used. The description should identify whether the text or materials will be mandatory or suggested;
5. A description of the institution's standard for faculty members who will be employed to instruct the course or program;
6. An estimate of the program's duration (that is, the number of times it will be offered);
7. A statement that the institution will notify the department if the program is withdrawn or changed at anytime;
8. A statement that the institution will conduct the course or program in accordance with N.J.A.C. 5:23-5.20 herein and will maintain such records as are therein required;
9. A statement of such charges as the institution has established for the course or program.

(c) The Department reserves the right to undertake such reviews as may be necessary to verify the accuracy of an application or conformity with these regulations. The institution, by submitting an application, expressly agrees to cooperate in such reviews.

(d) An institution may conduct a program which satisfies only a portion of the requirements established in N.J.A.C. 5:23-5.20 or may establish a series of courses designed to fulfill all the requirements for the educational program of that article.

(e) Upon verification that the program or course will satisfy some or all of the educational program requirements, the department will:

1. Issue a letter of approval to the institution which letter shall contain any terms or conditions of such approval;
2. Place the name of the institution and the course on the Department's list of approved courses. That list will be made available to the public.

i. Any approval shall be limited in that it is effective only as long as the course conforms to the application submitted and approved.

(f) Whenever a course or program has been approved by the department, the institution offering the course may include the statement "This course is approved for credit toward a license issued by the Department of Community Affairs pursuant to the State Uniform Construction Code Act" in any catalog, bulletin or informational circulars. Whenever such a statement is included, however, the catalog, bulletin or circular shall also contain a statement describing precisely the nature and extent of the approval.

(g) The Department may revoke its approval, after notice and the opportunity to be heard, whenever it ascertains that a course has lapsed or is no longer in conformity with the requirements of these regulations, and/or the terms of the department's approval. Whenever approval has been revoked or a course has been withdrawn by an institution, a new application and approval shall be required before the course may again be offered as providing credit toward a license.

Amended by R.1985 d.612, effective January 6, 1986.

See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

Was 5:23-5.10.

Amended by R.1987 d.509, effective December 7, 1987.

See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

Recodified from section 25.

Administrative Correction to (a), (b)8 and (d).

See: 22 N.J.R. 2503(b).

5:23-5.25 Revocation of licenses and alternative sanctions

(a) The Department may revoke a license, suspend a license for not more than 60 days, and/or assess a civil penalty in accordance with N.J.A.C. 5:23-2.31, if the Department determines that the person involved:

1. Has violated the provisions of the Uniform Construction Code regulations;
2. Has obtained a license by fraud or misrepresentation, or the person named in the licensed has obtained it by fraud or misrepresentation;
3. Has aided or abetted in practice as a licensed code enforcement official any person not authorized to practice as a licensed code enforcement official under the provisions of these regulations;
4. Has fraudulently or deceitfully practiced as a licensed code enforcement official;
5. Has been grossly negligent or has engaged in misconduct in the performance of any of his duties;
6. Has failed, over a period of time, to maintain a minimally acceptable level of competence;

7. Has been found to have failed to report an offer or bribe or other favor in a proceeding under this act or other appropriate law of this or any other state or jurisdiction;

8. Has failed to comply with any order issued by the department;

9. Has made a false or misleading written statement, or has made a material omission in any submission to the department;

10. Has engaged in any conduct which demonstrates incompetency or dishonesty; or

11. Has failed to enforce the Uniform Construction Code Act or regulations.

(b) The Department, in addition or as an alternative, as the case may be, to revoking or suspending a license, or assessing a penalty, may issue a letter of warning, reprimand, or censure with regard to any conduct which, in the judgment of the Department, warrants a letter of warning, reprimand or censure. Such letters, in addition to any other filing of requirements, shall be made a part of the licensing file of the individual.

(c) Conviction of a crime, or conviction of an offense in connection with one's performance as a licensed code enforcement official or inspector, shall constitute grounds for revocation or suspension of a license.

(d) The Commissioner shall appoint review committees to advise the Department concerning the appropriateness of sanctions that the Department proposes to take against persons licensed under the respective subcodes who are alleged to have done any act or omission proscribed by (a) above. The Department shall provide necessary staff for the review committees.

1. Each review committee shall consist of three persons who are licensed as subcode officials in the subcode, and are currently employed by municipalities as subcode officials in the subcode and/or as construction officials. To be eligible for appointment to a review committee, a construction official shall have had experience as a subcode official employed by a municipality in that subcode. Of the persons appointed, at least two shall also be licensed as construction officials and at least one shall be employed by at least one enforcing agency for a total of not more than 20 hours per week.

2. Members of the review committees shall be appointed by the Commissioner and shall serve for terms of three years, and until their successors shall have been appointed; except that, of those members first appointed, one shall serve for one year, one shall serve for two years, and one shall serve for three years.