

Construction Code Communicator



State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

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Propane to Natural Gas Conversions

The Department has established Letters of Agreement with the gas utilities concerning conversions from propane to natural gas. The Department has agreed that when the utility performs conversions from propane to natural gas, a UCC permit is not required provided the following conditions are met:

1. Utility employees, not subcontractors, will perform the work.
2. The utility will notify the municipality in writing that the conversion is being done. The municipality will be provided with a separate letter for each unit converted. Each letter will include the street address and block and lot. The code enforcement office should file these letters in the appropriate block and lot file.
3. The utility agrees that anytime work exceeds what is permitted by NJAC 5:23-2.14(b)5, or an appliance must be replaced, the utility will notify the owner that the work is required, a permit must be obtained, and a conversion can not be done until the UCC inspector has approved the work.

The majority of these conversions only require the utility to adjust the natural gas pressure, drill an orifice, or install a conversion kit in the appliance. In many cases the appliance installed was a natural gas appliance anticipating the availability of this fuel. The appliance was installed with a propane conversion kit and now

the utility is restoring the appliance with original equipment. If you have any questions, please contact the Code Assistance Unit at 609-530-8793.

Source: William Hartz
Chief, Bureau of Technical Services

Industrialized Building Commission— Update

In January the Commissioner signed the rule adoption for implementing the Industrialized Building Commission's (IBC) Model Rules and Regulations. The adoption finalizes New Jersey's participation in the interstate compact.

Under the rules the IBC will be responsible for the administration of the industrialized building certification process. As was mentioned earlier in the Communicator, the use of Industrialized Building Commission labels are required to be on all closed panel construction sited in New Jersey. The process of third party inspection of modular units will be reviewed by the IBC.

The local construction official can expect more uniformity in the documents received when a modular unit is part of the construction project. As was the case for years, the local official is responsible for the plan review and inspection of all on-site construction elements such as footings and foundations or structures built on-site and attached to the unit. As for the modular unit,

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the construction official can only require the proper label/certification, installation instructions and floor plan schematic. Sealed plans are not required for the unit, but are required for any site constructed work.

Further, the adoption of IBC rules allows a modular unit to be built to other National Model Codes which are not adopted in New Jersey, but by rules the Commissioner has found to be equivalent based on the Uniform Construction Code Act. Therefore, the data plate, which contains more detail than the label, may refer to codes not used in New Jersey. The IBC rules allow this equivalency to streamline the modular construction process while still assuring our citizens that the unit will perform the same as a site built unit. All site constructed work must conform to the adopted subcodes of the UCC.

Another important fact about this program is that the IBC plays an administrative role, not an enforcement one. When code deficiency or other non-conformances occur, the IBC may review the facts, but participating states, which includes New Jersey, are responsible for enforcement. If code violations are found, the states will take action by issuing orders and penalties to be adjudicated at the State level, not at the IBC. Therefore, any problems which a construction official may find, should still be directed to the Industrialized Buildings Unit (609-530-8837) for their action.

Listed below are the third-party agencies authorized to operate as inplant agencies under the Commission's rules; therefore, schematics and building systems can be approved by these agencies:

T. R. Arnold & Associates, Inc.
Building Inspection Underwriters, Inc.
Hilborn, Werner, Carter & Associates
Products Fabrication Service Corporation
Professional Service Industries Inc./PTL
Progressive Engineering Inc.
NTA, Inc.
RADCO
Underwriters Laboratories Inc.
A. N. Vendola & Associates
State of Minnesota

Source: Paul Sachdeva
Manager, Elevator Safety Unit

Abandonment of Heating Oil Tanks— Less than 2,000 Gallons

The Department thought that Bulletin 91-4 addressed this issue completely. Basically, it stated that if there was no reason to

remove the tank, then five different examples were given on how to fill and close the tank in place.

It appears that numerous inspectors have established a policy that, "In my town, all tanks are removed." If this is an arbitrary decision, not based on cause, the Department will not support that decision. But, the BOCA National Fire Prevention Code gives the code official the authority to determine when the tank must be removed. This is correct, but for specific reasons, such as when the tank is leaking.

If there is no evidence that the tank is leaking, or is in any way a danger, then the owner shall have the option of filling the tank in place. If, upon inspection of the cleaned tank, there is evidence of leakage, that would be cause for removal of the tank.

Any time an inspector requires a tank to be removed, the reason for that decision shall be in writing and placed in the permit jacket.

Source: Gerald Grayce
Bureau of Regulatory Affairs

Optical Fiber Cable

Optical fiber cables are key components in today's commercial and industrial applications which require high quality and high capacity voice, video, and data communication circuits. A well-designed system of fiber optics as a communication medium has inherent advantages over conventional wiring systems in the areas of performance, electromagnetic interference immunity, and light weight. Because of these advantages, fiber optics are increasingly being used for many types of data transmission, at a lower cost than metallic conductor circuits.

Fiber optics is a new and rapidly growing technology, and products are constantly being developed to speed up and simplify installations. Article 770, titled "Optical Fiber Cables and Raceways," was introduced in the NEC to permit its orderly development and usage for communications, signaling, and control circuits in lieu of metallic conductors. This article covers the listings and marking requirements and installation application of optical fiber cables with other electrical conductors. It does not, however, cover the construction and splicing technology for optical fiber cables.

For the benefit of inspectors engaged in the use and inspection of optical fiber cables, the Bureau of Technical Services has video that explains various types of optical cables and their structures and application in communications systems. This video provides guidance to users through various installation techniques and factors which, in addition to the provisions of the NEC, need to be taken into consideration in design and installation work involving optical fiber cables. If interested in the video "Fiber

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Optic Cable Preparation and Installation," please contact the Education Unit of the Bureau of Technical Services at 609-530-8798.

Source: Ashok K. Mehta
Principal Engineer, Code Assistance Unit
Bureau of Technical Services

Building Systems—Should They Be Reviewed?

Consider this situation: The plans for a home show 2×8 floor joists of hem fir (2 or better), spanning 14'6". The foundation walls are un-reinforced hollow core 8" CMU 7'6" in depth. The plans are sealed by a licensed architect and approved without question by the local building department. After construction and perhaps one year of occupancy, the homeowners file a Major Structural Defects claim. Could this situation have been prevented?

5:23-2.15(e)3v.i., entitled Building Systems, states that structural, electrical and mechanical designs need not be checked in detail if designed by an architect or engineer. The regulation further states that the design is the responsibility of the architect or engineer who sealed the plans.

The key phrase to note in these regulations is, "need not be checked in detail." Its intent is not to state that code officials have absolutely no responsibility whatsoever with reference to these systems. It is more than reasonable to expect that all officials are checking important, basic items such as joist spans, foundation walls (size and depth), and truss bracing details. If there is a lack of detail on the plans, a simple sealed letter from the designer may be sufficient.

I am not suggesting that design calculations be required for a 22 story high rise; that information would not mean much to most of us. However, a few prudent questions at the onset of a project may save everyone involved a lot of time and money in the long run.

Source: Louis Mraw
Bureau of Regulatory Affairs

Park Models/Labels

As the summer season approaches, we thought it would be appropriate to update you on the status of Park Model Trailers. You should read Bulletin Number 93-6 for a more complete discussion on the issue.

The Department issued Cease and Desist Orders against the manufacturers since the units were sited in violations of the Uniform Construction Code. The resulting settlement agreements allow for future shipments to be labeled as complying with the only current standard for Park Model construction, ANSI 119.5. Proof of compliance is the Recreational Vehicle Industry Association (RVIA) label.

Through the settlement process, we have found that most Park Models have been built to the ANSI 119.5 Standard. Therefore, to date we have not had to develop a correction action plan for any specific model to bring existing units into compliance with the Standard. It should be understood that not all manufacturers have entered into settlement agreements, so there could be Park Models which were not constructed to the ANSI 119.5 Standard. We will be following up with the manufacturers to assure compliance with our current policy.

It is important that enforcement officials notify our office (609-530-8857) if units are sited which do not have the proper labels. We will investigate those instances and take appropriate action. The following list are those manufacturers that have entered into settlement agreements and will site only properly labeled units.

Coachman Industries, Inc.
Holiday Rambler, Corporation
Destiny Industries, Inc.
Woodland Park, Inc.
DNA Enterprises, Inc.
Casa Villa, Inc.
Fairmont Homes, Inc.
Country Park, Inc.
Kropp Manufacturing, Inc.
Skyline Corporation
Summerset Homes, Inc.
Pine Ridge, Inc.
Fleetwood Enterprises, Inc.
Key West Manufacturing, Inc.
Chariot Eagle, Inc.

Source: Richard Z. Osworth
Chief, Bureau of Code Services

Label Requirements for Park Models

In the most recent UCC Update, Bulletin 93-6, which covers the subject of Park Model Labels, was published. Since that publication the Park Model manufacturers have developed their own labeling program which is equivalent to the Recreation Vehicle Industry Association (RVIA) label, in that it requires compliance to the ANSI 119.5 Standard and that it includes a third-party agency review and enforcement of the Standard. Therefore, we are alerting you through this article that under the current agreement with Park Model manufacturers they can ship and site park trailers in New Jersey through October 1994 with either the RVIA or RPTIA label.

The labels used by the Associations are clearly marked and indicate the standard under which the Park Trailer was manufactured. If you have a concern about the siting of Park Trailers in your jurisdiction, feel free to contact me at 609-530-8857.

Remember that this label requirement is an interim solution and that we will be addressing the long-term issue over the next

several months, but no Park Model shall be sited after January 1, 1994 without a proper label indicating compliance with the ANSI 119.5 Standard.

Source: Richard Z. Osworth
Chief, Bureau of Code Services

Insulation Materials in Rated Floor/ Ceiling Assemblies (Wood Truss System)

Insulation materials are permitted in the UL, Warnock Hersey, Lumbermate or other rated floor/ceiling assemblies tested to ASTM E119. But they are specified to be of certain kind (mostly glass fiber or mineral wool in batt, blanket or roll form) and attached in a specified manner. In most of the rated assemblies insulation material is air separated from the gypsum board. In Lumbermate assemblies the insulation is hung by wire to maintain larger air separations from the gypsum board.

BOCA-National Building Code '93 Section 722 allows maximum flame spread ratings of 25 and 75 for thermal and sound insulation materials in exposed and concealed locations respectively. While UL/Warnock Hersey rated assemblies do not specify flame spread (must be 75 or less by code) for insulation materials, Lumbermate requires flame spread of 25 or less in their rated assemblies.

In view of the foregoing considerations, the improper installation of insulation materials in a rated floor/ceiling assembly should be treated as a code violation. Code officials should not only look for a tested assembly but also for the installation of the approved insulation materials in accordance with the fire resistance directory/listings.

If you have questions, please contact the Code Assistance Unit at (609)530-8793.

Source: Farid Ahmad, PE
Code Assistance Unit
Bureau of Technical Services

Use or Occupancy Plus

Some of the special provisions of the Building Subcode chapter 3 cause questions at times. They are the sections SPECIFIC OCCUPANCY AREAS, MIXED USE GROUPS, and ACCESSORY AREAS. They all sound so similar! But seeing how they differ is the gimmick: Pulling out the distinguishing features from the general verbiage of it all should clarify things nicely.

What the three concepts have in common is that they describe what to do when differing uses occur side by side in the same building. For simplicity, the topic of separate tenants is not part of this article.

The first distinction to make among the concepts is if a use is subordinate to another. Right away we see that in mixed uses that's not the case. But in both the Specific Occupancy and

Accessory Areas it's always the case. They are clearly subordinate to a "main use group". So how do these two differ from each other?

The main difference between Specific Occupancy Areas and Accessory Areas is fire safety requirements. They are at opposite poles when it comes to that. The Specific Occupancy Areas always contain a fire hazard greater than that of the main use and require special fire protective provisions specified in Section 302.1.1 but Accessory Areas that are not of Use Group H get excused even from fire separation requirements. That's because their size is very limited and their fire hazards are relatively minimal. Nevertheless, areas that are small enough to qualify for the "accessory" designation, but contain one of those fire risks listed in Table 302.1.1 must be built as Specific Occupancy Areas. The code is silent regarding a size relationship between the main use and its Specific Occupancy Area — it's only the contents that triggers those fire protective requirements.

Thus, except for Specific Occupancy areas and accessory areas, as mentioned above, all buildings containing more than one Use Group must be designated as Mixed Use and comply with BOCA Section 313.0.

A quick check list looks like this:

MIXED USE GROUPS (fire separated or non-fire-separated)

- each use classified separately
- building designated mixed use
- rated separations unless section 313.1.1 applies

SPECIFIC OCCUPANCY AREAS

- incidental to main use
- classified according to main use
- no size relationship to main use specified
- fire safety requirements in Table 302.1.1

ACCESSORY USE AREAS

- incidental to main use
- classified according to main use
- size: maximum, 10% of main use
- no fire separation from main use (except for use group H)

Source: E. Maria Roth
Code Assistance
Bureau of Technical Services

Hottest Party of the Year

The town of 'Make-believeville' was interested in renting a hall for their St. Patrick's Day party. The mayor sent his group of inspectors to check the place out. The plumbing, heating and mechanical inspectors piled into their used police car and went to see if the hall would be just right for the party.

The plumbing inspector checked the number of bathrooms, the building inspector checked the number of exits and the mechanical official (in 'Make-believeville' they have a mechanical subcode official) checked the ventilation system. No one was

really satisfied with the facilities, but the price was right (remember, these guys are riding around in a used police car).

On the day of the party the hall was full, and each of the inspectors strategically chose his spot in the building. The plumbing inspector, knowing he would be drinking beer, and that the bathroom facilities were limited, decided to hang out by the bathrooms. The mechanical official, knowing the mayor liked to give out cigars, and since there was only one supply diffuser, decided to hang out under the diffuser. The building inspector, knowing that the mayor sometimes had too much beer and forgot where he left his cigar, decided he would hang out near the exit door.

Of course, the inevitable happened, and I'm sorry to report that the town of 'Make-believeville' is now accepting applications for new plumbing and mechanical officials. The point of the story is that while the mechanical, plumbing and building code all use the number of occupants of a building to determine the facilities a building must have, the factor of safety involved in these numbers is different.

As the plumbing and mechanical officials of 'Make-believeville' NOW know, building occupant loads are higher than the mechanical and plumbing occupant loads because they are based on more than the discomfort of the occupants; they are based on life-safety. That's why the plumbing and mechanical code occupant loads are less than those in the the building code.

The plumbing code states that when an occupant load is derived from the egress requirements of a building code, the number of occupants for plumbing purposes is permitted to be reduced to two thirds of this number. In other cases where an occupant load can be reasonably verified based on seating, etc., it is acceptable to use this "actual" number for plumbing purposes. Like the plumbing code, ASHRAE 62-89 (remember, that's what we are using) allows *either* the estimated occupancy in Table 2 or an actual number given by the designer to be used, for determining ventilation requirements.

A good example of where it is acceptable to use a reduced number of occupants is in a school or day care center. In the case of schools, class size is limited based on the teacher to student ratio. Typically, the number of students in a class room is limited to 25 with 1 teacher. It is perfectly legitimate to base mechanical and plumbing requirements on this number. Similarly, the number of children in a day care center is often limited, based on licensing by the Division of Youth and Family Services (DYFS). Again, it is perfectly legitimate to base plumbing and mechanical requirements on this number.

It is not appropriate, however, to base the egress requirements of the building code on these numbers. One-time events such as parent-teacher conferences, etc. where an elevated number of people are present can be catastrophic if exitways aren't based on the highest possible number of people present.

To sum it up, plumbing and mechanical requirements should be based on what the probable occupant load is, while building requirements must be based on what the possible (worst case scenario) occupant load is.

One final note: Next year's St. Patrick's Day party in 'Make-believeville' will be held outdoors.

Source: Michael Baier
Bureau of Technical Services

Using UCCARS

At the end of each month you should be able to compare the Permit Fee Log Report with the Cash Receipt Audit Report and account for any discrepancies between the two.

Generally the totals for both reports will be different. That is because the Miscellaneous Payments that you collect throughout the month for items other than Permit or Certificate fees (such as Elevator Inspection fees) show up only in Cash Receipts Audit Report. When you back out those figures, both reports should match.

If they do not, something was probably mistyped. Either the fee on the Permit screen did not match up with the dollar amount collected on the Payment screen; the date on the Permit screen was typed incorrectly; or the date on the Payment screen was typed incorrectly.

To find out if the fees that were entered on both screens match for all permits, simply compare both reports permit by permit.

If there is a permit missing in the Permit Fee Log Report, call it to the screen in the Enter Data section of UCCARS. If it shows up on the screen, chances are the date was entered incorrectly. Correct the date by typing over the old date, then rerun the Permit Fee Log Report.

If a payment transaction is missing from the Cash Receipts Audit Report, the Received Date has probably been mistyped on the Payment screen. When you printed the Cash Receipts Audit Report and selected 'R' for Received Date, UCCARS scanned all of the payment and adjustment records in the database and selected only those whose Received Date was within the date range you specified for the report to cover.

If for example you erroneously entered '01/06/93' instead of '01/06/94' for a particular payment, that payment will never show up in any of this year's reports. To find the missing payment record, specify that the report is to cover Posted Dates rather than Received Dates.

When you store a payment record, UCCARS automatically stores the actual time and date at which the record is being stored along with the payment information you typed on the screen. This is called the Post Date, and it comes directly from the clock built into your computer.

So if the Received Date has been mistyped on the Payment screen, you may never print out a Cash Receipts report whose date range covers the mistyped date. The way to find this missing payment record is to print out a report that selects on the Posted Dates of the payment records, and to specify a date range that covers the period during which the error was made.

Source: Stan Kosciuk
President, Municipal Information Systems

Regulations for Sheds

Many sales outlets for prefabricated or part-prefabricated storage sheds have been misinforming customers about building regulations for sheds. The prevailing story told has been that no regulations apply. And, almost as frequently, the seller or the manufacturer's printed material tells the customer that foundations to frost depth are not required. Both types of story make shoppers think that a shed project will be a Saturday morning quickie whose price consists only of the building itself. Their dismay is understandably great when they find out that the shed they've bought in response to misleading sales pitches needs, in some cases, both a permit and a foundation to frost depth.

The fact is that New Jersey has both administrative and technical regulations for sheds under certain circumstances.

Obviously, sheds must always be placed where zoning allows. Sheds requiring a building permit are those greater than 100 s.f. in size or 10' in mean height and smaller ones subject to overturning and sliding from high winds or flotation from floods. Sheds not necessarily requiring a UCC building permit are those smaller ones not subject to movement by storms or floods.

Both CABO and BOCA require building foundations to go to frost depth of the location. BOCA explains that for those smaller than 100 s.f. in size and lower than 10' mean height this is really unnecessary because frost/thaw related building damage would be negligible. It's important to remember that every part of New Jersey is subject to at least some amount of ground frost. By the way, the code reference to "mat" or "floating mat" foundations does not describe the floor systems some sheds have and therefore such floors, even with gravel beds under them, do not fulfill the frost depth requirements. Even the engineered floating mats the codes mention are only for load-spreading where soils bear poorly, and must also have frost-depth foundations. Finally, regarding anchorage, this can be just to the ground on smaller sheds where required, but must be to the foundations in the larger ones, just as in any other building. You might find the following code sections convenient references:

CABO R-303 Footings

BOCA 1806.0 Depth of Footings
1611.1.3 Overturning and Sliding
3107.4.2 Anchorage

Source: E. Maria Roth
Code Assistance Unit
Bureau of Technical Services

UCC Annual Report

The Department recently mailed Advisory Notice 1994-1 to all municipal construction officials. The purpose of this notice was to provide an annual report form that would enable construction officials to comply with the financial reporting requirements under NJAC 5:23-4.17(b).

Under this regulation, construction officials are required to prepare and submit to the Governing Body an annual report within 41 days after the close of the budget year. The report must detail the receipts and expenditures of the enforcing agency for the preceding budget year, and to give recommendations for fee schedule changes/staffing needs for the coming year based upon the operating expenses of the enforcing agency. Immediately upon completion a copy of the annual report must be filed with the Department.

The construction official alone is responsible for completing the annual report. In the past, many construction officials complained that information such as employee benefits and indirect costs was not available or was difficult to obtain. You will note that such information is not required on the annual report form. Benefits and indirect costs, if any, may be included by the chief financial officer on the separate budget certification form. We prepared the annual report to enable the construction official to complete this form with minimal assistance from other municipal departments.

Some questions have arisen concerning the annual report form. We will try to answer them here:

Question: Are state training fees included on the report?

Answer: No. Only municipal fees should be included.

Question: Will employee benefits and indirect cost be included in the final accounting?

Answer: Yes. This information, if any, will be retrieved from separate documents.

Question: Should zoning and other local code enforcement programs be included on the report?

Answer: No. Non UCC programs should not be included.

Question: How do we cover private inspection agency fees/payments?

Answer: Private inspection agency fees are included as municipal fees. Private agency payments are considered expenditures. Please be aware that fees/payments may not match since fees may be received in one budget year and paid out in another.

If you have any other questions, please contact Henry Riccobene at 609/530-8838.

Source: Henry Riccobene
Bureau of Regulatory Affairs

State Training Fees to Refresh Your Memory

Most individuals involved in code enforcement know that a state training fee is collected on many permits issued. This fee is used to provide training for code officials, provide tuition remission for the community college UCC courses and even publish this newsletter. There are two types of State training fee provided for in NJAC 5:23-4.19.

New Construction and additions: The volume of new construction is computed and multiplied by \$0.0016. The resulting amount is the training fee for new construction and additions. There is no additional training fee on the cost of plumbing, electrical or fire protection work.

2. Alterations: If you do not have any cubic volume the training fee is based on the cost of construction for the alteration multiplied by \$0.008. The resulting amount is the training fee for alterations.

The four most common questions are:

1. Do you collect a training fee on a alteration permit with a value of construction of \$500? Our answer is no. NJAC 5:23-4.17(a)1 states you may round fees to the nearest dollar. In this example you have $\$500 \times \$0.008 = \$0.40$. Rounding to the nearest dollar you get \$0. A cost of construction equal to or greater than \$625 is the dividing point on when to charge a training fee for alteration.
2. Do demolition permits require a training fee? No, and this includes tank removals. Please remember that the Department considers asbestos removal, in a building that will be occupied, as an alteration not a demolition.
3. Do I charge a training fee for public buildings? If it is a public building as defined in the Uniform Construction Code Act NJSA 52:126c-12L C, the answer is no. The act says they shall not "be subject to any fee, including and surcharge or training fee..."
4. Can I charge a training fee for both the new construction and alteration on the same permit? No. If it is new construction or an addition, only the training fee on volume applies. But, if an addition is being added and at the same time they do alteration work on the existing part of the structure a training fee for each type of work shall be collected. If you have questions contact me at 609-530-8797.

Source: William Hartz
Chief, Bureau of Technical Services

New Jersey Register Adoptions Spring '94

| Date | Adoption |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/20/93 | 25 NJR 5918(a) Subcodes Adopted Amendments: NJAC 5:23-2.6, 2.14, 2.23, 3.2, 3.4, 3.8A, 3.11A, 3.14, 3.15, 3.16, 3.17, 3.18, 3.20, 3.21, 4.3A, 4A.11, and 12.2, effective 12/20/93. |
| | 25 NJR 5927(a) Minor Work Adopted Amendment: NJAC 5:23-2.17A, effective 12/20/93. |
| | 25 NJR 5928(a) Municipal Fees; Annual Permits Adopted Amendment: NJAC 5:23-4.18, effective 12/20/93. |

1/18/94 26 NJR 352(a) Utility Load Management Device Installation Programs; Plan Review for Mausoleums; Department Fees: NJAC 23-2.18A, 3.11, and 4.20, effective 1/18/94.

2/7/94 26 NJR 796(a) NOtice of Administrative Correction Departmental Fees: NJAC 5:23-4.20.

Permit Extension Act Still in Effect!

Just a reminder!! The Permit Extension Act which became law on August 7, 1992 is still in effect. Under this law, permits granted under the State Uniform Construction Code on or after January 1, 1989 and those granted before January 1, 1989 but were valid on this date, would remain valid until December 31, 1994.

If there is any question concerning the Permit Extension Act please call the Code Assistance Unit at 609-530-8793.

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit
Bureau of Technical Services

Hurry Up! Grace Period Expired!

The grace period allowed subsequent to the adoption of the '93 Codes ('92 CABO) expired on November 1, 1993. Plans approved during the grace period under the previous code may be used for six (6) months from the date of approval for filing construction permit application.

If there is any question concerning the grace period, please call the Code Assistance Unit at (609)530-8793

Source: Farid Ahmad, PE
Supervisor, Code Assistance Unit
Bureau of Technical Services

DCA Notes

1. **A three year construction code license?** Recently there has been a lot of talk about extending the two year license to three years. The reason for the idea is that most model codes have gone to a three year cycle. The two issues are not really related. Although the model codes might be effective from 1993 to 1996 your code enforcement license might be 1994-97 or 1995-98.

Could there be a negative impact? Absolutely! Many code officials have continuing education renewal problems by waiting to the last minute to take seminars. This problem would be increased with a three year license.

We can't come up with any reason to spend money for the computer programing necessary to go to a three year license, but we would like to hear your ideas. If you have comments for or against this idea, please send them to my attention.

2. **Renewal forms** If your code enforcement licenses expire on July 31, 1994, your renewal form will be mailed during the

second week of May. You may check your continuing education status by calling the Education Unit at 609-530-8798. Seminars are only offered until the week of June 27. Don't wait until July to find out you need a seminar.

You do not want to pay, nor do we want to charge, a late fee. If you have not satisfied your continuing education requirement and/or have not returned your renewal form by July 31, 1994, we are required by NJAC 5:23-5.21(e)2 to collect a late renewal fee.

3. Future National Certification Test Dates

| Test Date | Deadline for Registration |
|-------------------|---------------------------|
| August 20, 1994 | July 14, 1994 |
| November 19, 1994 | October 13, 1994 |

Call Educational Testing Service (ETS) at 609-921-9000 for a registration form.

4. Interesting Numbers

We often get calls about how many of this and that there are in code enforcement. So here are some numbers you may find interesting.

A. Municipal Classification

| | |
|--------------|--------------------------|
| Class I | 353 |
| Class II | 163 |
| Class III | 48 |
| Unclassified | <u>3</u> |
| | 567 Total Municipalities |

B. Code enforcement licenses:

| | | |
|-----------------------------|------------|----------------------------------|
| Construction Official | 1,843 | Total |
| Building Subcode Official | 1,160 | |
| Building HHS | 802 | |
| Building ICS | 560 | |
| Building RCS | <u>806</u> | |
| | 2,168 | Total Building Inspectors |
| Fire Prot. Subcode Official | 841 | |
| Fire HHS | 872 | |
| Fire ICS | <u>234</u> | |
| | 1,106 | Total Fire Protection Inspectors |
| Electrical Subcode Official | 504 | |
| Electrical HHS | 608 | |
| Electrical ICS | <u>198</u> | |
| | 806 | Total Electrical Inspectors |
| Plumbing Subcode Official | 642 | |
| Plumbing HHS | 645 | |
| Plumbing ICS | <u>249</u> | |
| | 894 | Total Plumbing Inspectors |
| Elevator Subcode Official | 74 | |
| Elevator HHS | 161 | |
| Mechanical RCS | 128 | |

5. **Construction Code Communicator** This issue begins the 6th year of this publication. It has been fun to write and hopefully interesting to read. If you have any suggestions for things we could do better, or ideas we should try send them to my attention. While I'm waiting for yours, I'll give you a suggestion. Many code officials and DCA staff keep all copies of the newsletter in a binder. We do indexes for each year. Past issues can be a handy reference in coming years.

6. **Three year codes** For your information, the Uniform Construction Code Act was amended on December 23, 1993 to read:

"The initial adoption of a model code or standard as a subcode shall constitute adoption of subsequent edition year publications of the model code or standard organization. Adoption of the publication shall not occur more frequently than once every three years; provided, however, that a revision or amendment may be adopted at any time in the event that the commissioner finds that there exists an imminent peril to public health, safety or welfare.

What this means is that we will not adopt supplements to the adopted codes even if the model code organization publishes them. But, the DCA commissioner does have the authority to adopt a revision or amendment in the interest of public health, safety or welfare.

7. **Good luck, Hilary** Most of you do not know her, but you will miss her. Hilary Bruce was our program coordinator with Rutgers University. Among her many duties, she helped select and arrange continuing education seminars and served as the editor of this newsletter for five years. Hilary is moving west to greener pastures. We will miss her and wish her well.

Source: William Hartz
Chief, Bureau of Technical Services

New Jersey Manufactured Housing Association Seminar

This association will be offering a special two-day seminar on the technical knowledge and training necessary to properly install HUD homes. For registration forms call NJMHA at 609-588-9040.

| | |
|--------|-----------------------------------------------|
| Dates: | May 9 & 10, 1994 |
| May 9 | In-class training Days Inn, Bordentown, NJ |
| May 10 | Field inspection training Cream Ridge, NJ |

Cost: \$60 for both days. This is a special price for code officials. Normal non-member price is \$245.

DCA has reviewed the content of this seminar and has awarded 1.0 CEU technical building for those licensed code officials who attend both days.

Building Safety Conference

May 11 – 13, 1994

Schedule of Events

May 11, 1994

- 11:00 a.m. – 4:00 p.m. - **Product Expo** - Diamond Ballrooms
- 4:00 p.m. – 7:00 p.m. - **Registration Open** -
Convention Headquarters
- 6:00 p.m. – 7:30 p.m. - **Crackerbarrel** - Grand Ballroom

May 12, 1994

- 6:30 a.m. – 7:45 a.m. - **Breakfast** - Sultan's Feast
- 7:00 a.m. – 9:00 a.m. - **Registration** -
Convention Headquarters
- 8:00 a.m. – 11:45 a.m. - **Educational Programs**
- 12:00 p.m. – 2:00 p.m. - **Inspector of the Year Luncheon** -
Grand Ballroom
- 2:00 p.m. – 4:30 p.m. - **Educational Programs**
- 4:30 p.m. – 5:30 p.m. - **Association Meetings**

May 13, 1994

- 6:30 a.m. – 7:45 a.m. - **Breakfast** - Sultan's Feast
(or you may use your ticket for
Sultan's Feast Lunch)
- 8:00 a.m. – 1:00 p.m. - **Educational Programs**

Spouse's Program

May 11, 1994

- 4:00 p.m. – 7:00 p.m. - **Registration**
- 6:00 p.m. – 7:30 p.m. - **Wine & Cheese**
Get Acquainted Gathering

May 12, 1994

- 7:00 a.m. – 9:00 a.m. - **Breakfast** - Sultan's Feast with ticket
- 7:00 a.m. – 9:00 a.m. - **Registration**
- 9:30 a.m. – 4:30 p.m. - **Cape May Trip** (Luncheon)
or
- 9:30 a.m. – 11:30 a.m. - **Easy Hors D'Oeuvres/**
Beautiful Buffet — Ruby Room
- 12:00 p.m. – 2:00 p.m. - **Inspector of the Year Luncheon**

May 13, 1994

- 7:00 a.m. – 9:00 a.m. - **Breakfast** - Sultan's Feast with ticket
- 9:30 a.m. – 11:30 a.m. - **Jersey Devil Lives Here: Folklore,**
Fact or Fiction — Tiara B

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

Product Expo

At the 1994 Building Safety Conference we will be trying a new idea — a product expo. The Product Expo will be held the first day of the conference May 11, 1994 from 11 a.m. to 4 p.m. Vendors of new and innovative products will be available to explain how their products perform. The Product Expo is not an endorsement of products by DCA, but only a means to help the inspector make an informal decision. Below is a list of Vendors and the products they will display:

| VENDOR | PRODUCT(S) | VENDOR | PRODUCT(S) |
|-----------------------------|-----------------------------------------------------|------------------------------|-------------------------------------------|
| 1. Bussman Fuse | Fuses, fuse holder and disconnect switches | 19. Construction Bookstore | Technical Books, Codes, Regulations |
| 2. Celotex Corp. | Thermax, Tuff-R, Tuff Wrap | 20. Z Flex | Chimney Liners-Flex Vent Connectors |
| 3. U.S. Gypsum | Area Separation Wall System, Durock Cement Board | 21. BARCO Systems | Underground Storage Tank Services |
| 4. N.J. Propane Gas | Propane Gas Installation | 22. Rinnal America | Gas Space Heaters Vented/Unvented |
| 5. Trus Joist MacMillan | Engineered Wood Products | 23. Primary Sales | Anti-Scald Mixing Valves; Water Heaters |
| 6. SAFTI | Fire Rated Glass | 24. Hickson Corp. | Dricon |
| 7. Barrier Technology | Blazeguard | 25. Env. Tank System | ConVault Aboveground Tanks |
| 8. SNSA | Software Programs For Code Enforcement | 26. PSE&G | Gas Safety |
| 9. Automatic Switch Co. | Automatic Transfer Switch; Elevator Remote Controls | 27. Eastern Dist. | Tyvek |
| 10. MIS | Computer Hardware/Software For Code Enforcement | 28. EPVA | ADA Compliance |
| 11. Solite Corporation | Structural Lightweight Concrete | 29. Cooper Industries | Haz. Area Electrical Equipment |
| 12. N.E. Polymer Assoc. | ICPA Plumbing Products, Cast Polymer Products | 30. W.R. Grace | Monokote Fireproofing |
| 13. Altherm | Titeflex | 31. PermEntry Co. | Basement Entry Systems |
| 14. Moen | Faucets and Sinks | 32. JB Engineering | Studor Air Admittance Valves |
| 15. Window Systems | Replacement Windows With Safety Features | 33. Monitor Products | Direct Vented Heating Systems |
| 16. 3M Company | Firestopping materials | 34. Isolatek, Int. | Sprayed Fireproofing; Firestopping |
| 17. Aqua Glass Corp. | Speical Care Unit w/ Whirlpool | 35. Georgia Pacific Corp. | Engineered Lumber |
| 18. General Plumbing Supply | Lasco Freedom Line | 36. Flex L | Flexible Alum. Gas Relining Kit |
| | | 37. N.S.P.C. | National Standard Plumbing Code Materials |
| | | 38. Southern Forest Products | Southern Pine Lumber |
| | | 39. Wheelock | Life Safety, Fire Alarm Systems |
| | | 40. Louisiana Pacific | Fiberboard, Inner Seal Flooring |

Source: William Hartz
Chief, Bureau of Technical Services

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Construction Code Communicator



State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 6 Number 2

Summer 1994

Building Safety Conference — 1994

This conference just seems to get better and better. Almost everyone who attended this year said it was by far the best conference.

New ideas that were explored this year were well received. About 300 inspectors attended the 1st Product Expo and plans to improve it next year are already underway. Breakfast was provided both days, and food is always a hit.

The 24 training programs and the "Crackerbarrel" were the highlights of the educational portions of the program. Every program received a "good" to "excellent" rating.

The highlight of the conference — as always — was when 600 inspectors attended the Inspector of the Year Luncheon. For 1994 the recipients of these awards were:

| | |
|----------------------------|----------------------------------------------------------------------|
| Fire Protection Inspector: | Thomas P. Pizzano Millburn Township |
| Plumbing Inspector: | Jerome Shaw, Sr. Township of Union |
| Building Inspector: | Arthur Bavosi Piscataway Township |
| Electrical Inspector: | Joseph Bevacqua Township of East Brunswick Mine Hill Township. |

Congratulations to these four individuals!!

They are the Best of the Best!

[Please turn to the center of this newsletter for photos of the Inspectors of the Year.]

Source: William Hartz, Chief
Bureau of Technical Services

Homeowners and the Unlicensed Plumber

It seems that lately the most common question in Regulatory Affairs and Code Assistance is "The homeowner took out the permit to do the plumbing work, but I think he is using an unlicensed plumber. What should I do?"

This is not an easy question for the code official. Both the plumbing contractor's law and the UCC allow an exemption for a homeowner to do plumbing work on his or her single family owner occupied residence. The problem is enforcement.

We all know that some contractors will tell the homeowner "I can save you money if you take out the permit." In most cases the homeowner is not aware that he or she is about to violate the Uniform Construction Code. What should the code official do?

Two years ago I addressed this issue, but some items are worth repeating.

1. If plans are required, the homeowner must check Section B in the Certification in Lieu of Oath that he or she prepared the plans. If the plans are not satisfactory, do not approve them; you are not obligated to help the homeowner prepare the plans. If the plans are very bad, you may suggest contacting a licensed plumber.

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2. If there are no plans, or if they are approved, the homeowner must check Box C4 in the same certification that says he or she will *perform* the plumbing work. This is different from supervising the work.

Please do not threaten the homeowner, but he or she should be aware that anyone who has submitted a false certification is subject to a penalty (NJAC 5:23-2.31(b)iv).

3. If you as an inspector go to the job site to do an inspection, and you find an unlicensed plumber doing the work and the homeowner is not there, you may choose any or all of the following actions, prioritized here in accordance with the Department's policy:
 - a. Be sure all work is inspected to code.
 - b. Notify the Board of Master Plumbers concerning an unlicensed person performing plumbing work. You must notify the Board in writing and the Board has the right to charge the person working as an unlicensed plumber with a disorderly persons offense and issue a penalty of up to \$2,500. Write to:
 Ms. Christine DeGregorio
 Executive Director
 Board of Examiners of Master Plumbers
 P.O. Box 45008
 Newark, NJ 07101
 FAX # 201/648-3536
 - c. Issue a notice of violation and stop the plumbing portion of the work.
 - d. Issue a penalty to the homeowner for the false certification to your office.

Again, this is not an easy issue. I have heard things like "I give them a test, and if they can't pass I don't give them a permit" or "a woman came in for the plumbing permit and I know she can't do this work." Do not put yourself or your municipality in this situation.

Your job, as a code official, is to be sure that the construction work is installed or built to code whether it is done by a licensed contractor or the homeowner. You are not an investigator for any licensing boards, and the Department does not expect you to investigate every time you get a phone call about an unlicensed plumber doing work. But, if during the normal course of your work you do discover an unlicensed person doing plumbing work, at a minimum this should be reported in writing to the Board of Master Plumbers.

Source: William Hartz
 Chief, Bureau of Technical Services

Existing Elevator Devices and Retrofits

This article is to restate the Elevator Safety Unit's position regarding the issue of the elevator inspections entering the area of retrofit. The Elevator Subcode, as adopted, is not a retrofit code. The Subchapter 12 of the Uniform Construction Code requires that all applicable routine and periodic tests and inspections on existing elevator devices shall be in accordance with the most recent edition of ASME A17.1 referenced in the building subcode. As per the ANSI A17.1 code Part 10, Section 1000, Rule 1000.2, Applicability of Inspection and Test Requirements, inspections and tests are to determine that the equipment conforms with the applicable code provisions at the time of installation and any alteration. Prior to an elevator inspection, the applicable code is determined and becomes the basis under which the device is inspected. Thus, if an item was required under the code of installation or alteration, but for some reason is not operational or present, it is required that the subcode official and inspector inform the owner through a violation that this item be corrected. If this appears as retrofit, it is not. Retrofit is when all devices are required to comply with the current code. This clearly is not the scope of the Uniform Construction Code.

I would like to clarify another common misconception that the violations requiring installation of "means" which shall automatically disconnect the main line power supply to affected elevator(s) prior to application of water when the fire suppression system installed in the elevator machine rooms, machinery spaces, and hoistways are considered as retrofit requirements.

Requirements for sprinkler systems in the aforementioned areas are stipulated in the New Jersey Uniform Construction Code (UCC) and the Uniform Fire Code. The automatic fire suppression systems are required to be installed in accordance with the UCC. Also, they are required to be in compliance with the applicable requirements of the codes in effect at the time when the construction permit to install fire suppression systems was issued. The ASME A17.1 code is one of the codes that is referenced by the UCC with which compliance is required. Therefore, fire suppression systems and their installation shall be in compliance with the requirements of the A17.1 code in effect at the time when the construction permit to install a fire suppression system was issued. Thus, if the ASME A17.1 code in effect required the installation of the aforementioned "means" there shall be compliance with that requirement. If not, then the relevant violation shall be cited by the elevator inspector.

For example, the construction permit to install a sprinkler system was taken out in March 1987, and the ASME A17.1-1984 code edition was in effect at that time, therefore, installation of sprinkler protection in elevator machine rooms, machinery spaces,

and hoistways shall include a "means" to disconnect power in order to comply with the applicable requirements of A17.1-1984 code. This clearly is not a retrofit.

The Department recognizes that a related issue to this code requirement is the possible entrapment of individuals or firefighters when the electricity is abruptly disconnected. Bulletin 94-2, soon to be published, discusses in detail the option that a system could be installed which allows for the device to return to a floor and open its doors before the power is disconnected. This alternative is to minimize entrapment, but the system must comply with code requirements such as disconnection of power independent of the elevator controls and activation only when the device is in motion.

A brief history of the requirement to disconnect the main line power supply to the affected elevator prior to the application of water: The requirement was first introduced in the ASME A17.1-1984 code edition and was adopted by the UCC as of April 1, 1985. This requirement was selected (reworded in the performance language) and approved by the ASME A17 committee as the most acceptable out of three options recommended by the National Fire Sprinkler Association (NFSA then known as the National Automatic Sprinkler and Fire Control Association Inc.) after the NFSA reviewed the potential hazardous effects of water on brakes, motors, generators, transformers, shorting of elevator safety circuits, etc.

Source: Paulina Caploon
Bureau of Code Services
Elevator Safety Unit

Well Closure

In November 1993 letters were sent to all construction officials concerning the proper procedures for the closure of wells, especially when a permit is issued for connection to a public water supply.

I just want to tell you the system is working. I know there are times when it seems that many of the regulations we enforce belong to DEPE. But the protection of the drinking water and underground aquifers is of vital importance to all of us.

DEPE has received hundreds of referrals from the code enforcement offices due to failure to receive proper notification of well closure. It is now their job to follow up on these referrals and ensure that their regulations are enforced.

Thank you! This is an excellent example of cooperation in government to protect the health and welfare of the citizens of New Jersey.

Source: William Hartz
Chief, Bureau of Technical Services

ISSUES: Gas Appliances

Recently staff members from the Department met with the various utilities to discuss problems that both groups encounter in code enforcement. Among the utilities' "Top 3 Pet Peeves" were the following:

To "B" or Not to "B": "B" label vents are not factory built chimneys, nor are they metal chimneys. Therefore, the termination rules contained in M-1205.2.3 and M-1211.1 do not apply to "B" label vents. Rather, as stated in M-1204.3, these vents are installed in accordance with manufacturer's installation instructions. So the 3 foot minimum height above the roof and the 2 feet higher than any projection within 10 feet rules are not applicable.

Sticky Situations: The gas utilities are still having trouble finding our gas piping inspection stickers. Please try to refrain from putting the sticker in a location other than what was described in Bulletin 90-5, namely, on the stub out to the meter bar.

This Is Not a Test: Two problems with the gas piping test were discussed. The first relates to inspectors simply looking at the pressure gauge on the exterior of the building. Please go into the building when witnessing a pressure test to make sure that the entire piping system to be approved is subjected to the test. The second issue concerns the pressure involved in the test. Believe it or not, in this case more isn't necessarily better. 40, 50, 60 lb., etc. gas tests are not required by code and are not advisable as they can damage the valves, regulators, etc. Section M-815.1 refers to NFPA 54 for testing procedure. According to NFPA 54 (4.1.4), test pressure should be 1 1/2 times the working pressure, but not less than 3 psig. So, for 1/2 lb. systems, a 3 lb. test is all that is required. For 2 lb. systems, a 3 lb. test is also acceptable.

Source: Michael Baier
Bureau of Technical Services
Code Assistance Unit

Notching the Roof Trusses

The most common roof truss is an isosceles triangle. Roofing materials are attached to the rafters on top chords (sloping) of trusses. Ceiling materials are fastened to the ceiling joists or bottom truss chords (horizontal). In a single member roof, support must be provided at both ends by walls or beams. In the triangular roof, the ceiling joists require intermediate bearing support within the house, but the roof rafters usually do not. The rafters tend to push out at the bottom under the roof load and hence are securely fastened to the ceiling joists.

Trusses should be designed by design professionals. The design takes into consideration all the loadings such as snow, wind, roof and ceiling materials, species of wood, shape, span, joints, and bearing supports.

Roofs can either be framed on site using rafters and ceiling joists or built using pre-built trusses. Though problems of cutting and notching generally arise with any trussed roof, they are predominant in pre-built trusses. Cooperations among the building and truss design professionals and the installers of HVAC and plumbing systems are minimal. Pre-built trusses are frequently cut and notched improperly without following the code prescribed

(Continued on page 4)

(Continued from page 3)

procedure or the recommendations of the manufacturer. This destroys the integrity of the trusses and probably voids the warranty of the manufacturers. Code officials should carefully inspect the trusses during the framing inspection.

The problem, however, needs to be "nipped in the bud." Both the building and truss design professionals should be aware of the plumbing and HVAC pipe and duct runs. They should develop better communication at the design stages of the project. Both should concur in case of design modifications or field adjustments.

We have advised the instructors teaching DCA seminars on trusses to highlight the problem areas as well as the use of correct trusses in a specific location. If there are any questions, please call the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, PE
Code Assistance Unit
Bureau of Technical Services

Goldie Locks Saves the 3 Bears from Certain Asphyxiation

The last time we saw Goldie Locks, she was a mere child being chased around by 3 bears (and no, Mike Baier wasn't one of them, and besides, it's pronounced BUYER).

But, alas, Goldie has grown up and is now an appliance installer. As we peek in on Goldie Locks, she is attempting to connect a furnace to one of three vent pipes in the 3 bears' house. The first vent pipe was toooooo small, the second vent pipe was toooooo big, but the third vent pipe was just right.

At one point we were simply worried about vent pipes being big enough but as technology has progressed, we are now worried about vents being too big. Vent pipes for new Federally mandated mid-efficiency appliances have to be 'just right'! When a vent pipe is too small there isn't sufficient area to vent the products of combustion. When a vent pipe is too big it will be subject to excessive condensation. The corrosive nature of this condensate will cause the vent pipe to deteriorate.

This issue, as well as the dangers associated with vents and chimneys that don't function properly have led to increased concern about using existing chimneys and vents when appliances are being replaced. You have probably seen some articles recently on the subject. An article called "Carbon Monoxide — The Silent Killer" appeared in the March/April 1993 issue of *BOCA Magazine* and an article "Danger Lurks in Local Neighborhoods: Dangers of Carbon Monoxide," written by George E. Lucia and Tricia Branley of Hillsboro, appeared in the February 1994 issue of *New Jersey Municipalities Magazine*. Both of these articles are worth reading.

Some questions officials should ask when an applicant is proposing to use an existing chimney or vent with a replacement appliance are:

1. Is the chimney/vent clear and free of obstructions?
2. Is the chimney lined, and is the liner in good condition?
3. Is the chimney/vent size appropriate for the new appliance?

Often it is not possible for the inspector to see the inside of the flue or chimney. In most cases, an inspection is done after the new appliance is installed. For this reason getting some certification about existing conditions from the installer probably makes sense. In addition, a spill test performed by the contractor should be performed. If possible, this spill test should be witnessed.

We now return to Goldie Locks, who has just completed the furnace installation in the 3 bears' house. The 3 bears are so happy with the installation that they don't chase Goldie Locks out of the house, but rather, invite her to sit down and have porridge with them. And they all lived happily ever after — until the bears got the bill. Papa Bear thinks Goldie Locks' prices are toooooo high!

The End.

Source: Michael Baier
Bureau of Technical Services-Code Assistance Unit

DCA NOTE: The following letter was received at DCA and we agree with the content. We urge all building inspectors to pay particular attention to this issue. If you have questions concerning this issue call the Code Assistance Unit at 609/530-8793.

Roofing Code Violations

This winter I was inundated with calls about roof leaks which were caused by ice dams. A large percentage of the roofs I inspected were installed within the past five years. The most common areas of the BOCA National Building Code that weren't adhered to were (section numbers refer to the 1993 code for quick reference):

1. Asphalt shingles were installed on slopes below 2:12 and one ply of underlayment was used on slopes below 4:12 (Section 1507.2.3).
2. No ice shields were installed at eave edges and changes of roof slope (Section 1507.2).
3. No flashing was installed where shingles abut a wall (Section 1508).

I realize that the first half of Section 1507.2 covering steep slope roof coverings (usually greater than 2:12) is a grey area of the code, but the second half of the section states that where there is a possibility of ice forming along the eaves causing a back-up of water, an ice shield shall extend from the eave's edge to a point at least 24" inside the exterior wall line of the building. In my opinion, this past winter has proven without a doubt that there is indeed a possibility of ice forming along the eave's edge causing a back-up of water in the State of New Jersey.

The removal and replacement of more than 25 percent of the roofing in a one- and two-family dwelling used to be a minor work under the UCC. In many instances contractors failed to comply with the code and the code officials were asked to inspect the roofing job when it was complete. Recently the regulations have been amended to overcome this problem. Nevertheless, the code official's job would be far easier while inspecting both new roof or re-roofing work if each code enforcement office provides a typed

standard sheet stating when ice shields are required, when two-ply underlayment is required, and that shingles are prohibited on roof slopes below 2:12 pitch. I think it would give roofers and remodelers the guidance that they seem to need.

Until I invested three years into schooling, I didn't know very much about the building code either. If contractors who perform residential work were required to pass a minimum of an RCS Course as a prerequisite for a State license, I feel the code officials job would be much easier. It would also weed out the undesirables that give our trade a bad name.

Source: A.L. Bouchard
A.L. Bouchard Co.

Nonregistered Buildings/Elevator Devices

The Elevator Safety Unit (ESU) estimates that there are approximately 2000 buildings that are not registered with the Department. Part of this problem, we believe, is the absence of a clear outline of responsibilities for municipal officials to follow. To clarify these responsibilities, the following delineation is provided:

For every nonregistered device located within the municipality the Construction Official shall submit to the Department the name and mailing address of the owner or owner's representative of the building, and the street address, including lot and block number, where the device is located [NJAC 5:23-12.4(d)].

The elevator inspector shall inspect a device not registered with the Department and shall cite a consequent violation requiring the Owner to register the building/device on the Notice of Violation and Order to Terminate. The elevator inspector shall notify the municipal Construction Official (and also the Elevator Safety Unit) so that appropriate actions shall be taken.

The Construction Official shall issue an Order to Pay Penalty and shall post the building in accordance with NJAC 5:23-2.32(a)4 when, during the following first cyclical inspection, the inspector finds that the building/device remains unregistered. Upon refusal or neglect to comply with the requirements of the order, the Construction Official shall forward the matter to the legal counsel of the jurisdiction for an action to compel compliance [NJAC 5:23-2.32(a)5].

The ESU will provide every six months to the Construction Officials a listing of registered buildings/devices located in the municipality along with the listing of Notices and Applications requiring to register (NAPS). The listing of registered building/devices will identify the type of ownership for only those buildings that are not under the jurisdiction of the municipality (i.e., Federal, State, or Rutgers owned buildings). The identification will be located directly under the registration number. The listing provided is not definitive, since all devices which are located in a registered building may not have been registered and the NAPS' listing includes only those buildings of which the ESU has been made aware. It is important that these lists be reviewed on a regular bases to assure that all devices are registered or brought to the ESU's attention.

The Construction Official shall immediately notify the ESU of any discrepancies in the listings provided, including but not limited to changes of ownership.

Source: Paulina Caploon
Bureau of Code Services
Elevator Safety Unit

Alterations for Access

The Americans with Disabilities Act (ADA) requires that building owners improve access to their buildings. The decision to undertake a construction project to remove barriers to access is the building owner's decision. When a building owner undertakes the project, work that requires a permit must comply with the Barrier Free Subcode. Also, a project undertaken solely to improve access does not trigger the requirements of other codes.

Source: Emily Templeton
Code Development

First Annual Product Expo

Our first attempt at a "Product Expo" went fairly well. It certainly was a learning experience. Most of the 45 vendors who had products to display said it met their expectations and they will return next year.

We will make some changes for next year. The Expo will take place after registration and be only 4 hours long — from 2 p.m. to 6 p.m. on May 3. It will be held in the Grand Ballroom and be expanded to 60 vendors.

If you didn't attend this year, you missed an excellent opportunity. Plan to be there in 1995.

NOTE: Any vendors that would like information about participating in the 1995 Product Expo should notify us in writing at:

Building Safety Conference of N.J.
Post Office Box 6604
Lawrenceville, NJ 08648

Source: William Hartz
Chief, Bureau of Technical Services





Thomas P. Pizzano (left), Fire Protection Inspector of the Year, with Raymond Welch (right), President of the New Jersey Fire Prevention and Protection Association.

Fire Protection

13th Annual Building Safety Conference

Plumbing



Rene Campomizzi (left), President of the New Jersey State Plumbing Inspectors Association, and Jerome Shaw, Sr., Plumbing Inspector of the Year.



Joseph Montemarano (*left*), President of the Building Officials Association of New Jersey, with Arthur Bavosi (*right*), Building Inspector of the Year.

Building

Inspectors of the Year 1994 — The “Best of the the Best”

Electrical



Victor V. Timpanaro (*left*), President of the Municipal Electrical Inspectors' Association, with Joseph J. Bevacqua, Electrical Inspector of the Year.

Building Safety Conference — 1995 Plan Now!

Arrangements are already under way for the 1995 Building Safety Conference. Plan now to attend. The fee will be \$45, for early registration.

This includes:

- | | |
|-----------------------------------|--------------------------|
| 1. 2nd Annual Product Expo | May 3, 2:00 – 6:00 p.m. |
| 2. Crackerbarrel Discussion | May 3, 6:00 - 7:30 p.m. |
| 3. Breakfast at Sultan's Feast | May 4, 6:00 - 7:45 a.m. |
| 4. Training Programs | May 4, 8:00 - 4:30 p.m. |
| 5. Inspector of the Year Luncheon | May 4, 12:00 - 2:00 p.m. |
| 6. Breakfast at Sultan's Feast | May 5, 6:00 - 7:45 a.m. |
| 7. Training Programs | May 5, 8:00 - 1:00 p.m. |

This conference, the largest training program for code officials, will again be at the Taj Mahal in Atlantic City. The room rate for the 1995 conference will be \$90 per night, single or double occupancy.

Source: William Hartz
Chief, Bureau of Technical Services

What's Happening with Barrier Free?

Recently, I have received questions on whether the Department intends to amend the Barrier Free Subcode (BFSC) to match the provisions of the federal Americans with Disabilities Act (ADA). The answer is yes. We have prepared a rule proposal to delete the Barrier Free Subcode (from NJAC 5:23-7.1 through 7.99) and to adopt in its place Chapter 11, Accessibility, in the BOCA 1993 Building Code and CABO/ANSI A117.1 as the technical standard for accessible design. The proposal will be published in the *New Jersey Register* on June 3. There will be a public comment period, and a public hearing will be held at 3131 Princeton Pike, Building 3, Lawrenceville, on September 16 at 10:00 a.m. Once the comment period is over, the comments will be reviewed and decisions will be made regarding each one. Then the rule adoption will be published in the *New Jersey Register*. The six month grace period that normally applies upon the adoption of a revised rule will apply to the adoption of this rule.

What applies in the meantime? In February 1992, Charles Decker wrote a letter to all construction officials describing the three relationships between the ADA building requirements and the BFSC construction regulations and giving guidance on each. The guidelines that were established in that letter are still valid and will remain so until the amended BFSC is adopted.

In a nutshell, the three relationships are: (1) when the ADA is more stringent, in which case the code official can allow compliance with the ADA, but only upon request; (2) when the BFSC is more stringent, in which case the code official cannot

allow compliance with the ADA; and (3) when there is a dimensional conflict between the requirements of the ADA and the rules of the BFSC, in which case, if the building owner asks to use the dimension in the ADA, the code official should allow it, but should require a variation.

There are two basic rules of thumb to follow when faced with a BFSC - ADA issue. (1) The code official enforces the BFSC; the code official does not enforce the ADA. (2) The code official can allow compliance with the ADA only upon request and then only when the ADA is more stringent than the BFSC or when there is a dimensional conflict that is not a stringency issue.

Remember, if you have questions about BFSC requirements, call Code Assistance at 609/530-8793. If you have questions about the relationship of the BFSC and the ADA, call me at 609/530-8789.

Source: Emily Templeton
Code Development

Lead-Based Paint — The Scoop

History

You may have read about lead hazards recently. Lead, a versatile material, has been used extensively in many products, including those used in construction, such as paint and pigments, varnishes, piping, and solder. While the use of lead-based paint in residences has been banned since 1978, and lead-based plumbing supplies have been banned since 1986, many older residences and other buildings contain substantial amounts of lead. Lead, also used in cans, and in gasoline, batteries, pesticides, ceramics, and imported, painted toys and household products, can be found in some concentration in many water supplies, in air, and in soil.

DCA Role Now

Many home painting and remodeling projects will involve the disturbance of lead-based paint. The DCA is currently preparing an informational brochure which construction officials will be required to distribute to permit applicants, and which can be distributed to the general public when questions arise. The brochure will provide basic information to homeowners about lead and lead-based paint hazards, including some work practices to ensure safety. It also will provide phone numbers for other sources of information. The brochure is the result of DCA's new responsibility, under law, to inform people about lead hazards.

Future Role of DCA

Last December, New Jersey passed a law requiring training and certification for individuals and businesses which evaluate lead hazards and perform abatement (P.L. 1993, ch. 288, 12-16-93). Later this year the DCA will be writing regulations to license contractors and the Department of Health will be writing training and education requirements. The Department of Labor will also play a role in lead abatement regulation. Eventually, lead abatement in New Jersey will require trained and certified people who obtain permits from an official prior to commencement of work.

There will be regulations controlling work practices. New federal EPA regulations concerning lead are also expected to be published this year. An existing federal law already mandates that beginning October 1995, landlords and sellers of residences built prior to 1978 must disclose the presence of known lead hazards to renters and buyers. In the future there will be more inspections for lead materials and testing before properties are sold or leased.

Hazards

There have long been health regulations in New Jersey which require lead abatement if children are found to be poisoned by lead. Lead poisoning is best detected by a blood test. While adults can suffer from lead poisoning, children, especially those under the age of 6, and pregnant women are particularly susceptible to lead hazards. Prior to age 6, the developing nervous system can be permanently damaged by exposure to lead. Toddlers' teething and play habits increase their likelihood of ingesting not just paint chips, but lead dust as well. Adults will ordinarily excrete much of the lead they inhale or ingest; however, prolonged exposure to large amounts of environmental lead can lead to symptoms such as fatigue, nausea, nervous disorders, possible blood pressure elevation, reproductive problems, kidney impairment, and even fatalities. New OSHA requirements enacted in June 1993 require that painters and general construction workers take more precautions and monitor their exposure more closely. The focus on all the new requirements is to prevent lead poisoning from occurring, instead of, as in the past, responding to medical problems and abating buildings after poisoning has occurred.

You will be notified when the DCA publishes new regulations. Questions may be addressed to the Asbestos Hazard Abatement Unit at 609/530-8812.

Source: Chrystene Wyluda
Supervisor, Asbestos Hazard Abatement Unit

Lighting Energy Subcode — Now and in the Future

The current lighting Energy Subcode (5:23-3.18) has adopted the Illuminating Engineering Society of N. A. standard LEM-1, 1982, for determining the allowable lighting energy budget, in watts, for a new or renovated building. The energy allocation for each interior space is based upon:

- tasks performed,
- number of occupants performing each task,
- the size and shape of space or room, and
- the allowable lighting Unit Power Density (UPD) allocated for each of the tasks.

Exterior lighting budget allocations are dependent upon:

- the building's gross floor area,
- building exterior features, e.g., provision for facade lighting,
- building entries and exits,

- number of parking stalls,
- area of parking feeders, and
- exterior storage areas.

The standard is not a lighting design procedure. Although it may be convenient to understand lighting system design, it is not needed to determine whether a facility being designed complies with the Subcode.

Compliance

In order for a facility to comply with the lighting Energy Subcode, the lighting designer should be able to submit completed LEM-1 forms listing the allowable power for each space. Compliance will be based upon whether the entire facility complies, even though some spaces may exceed their budget allowances.

In addition to the LEM-1 forms, the designer should submit a tabulation listing each space as it appears on the corresponding LEM-1 form. Preferably this list would include

- lamp, fixture, ballast, and transformer data,
- fixture wattage consumption,
- total number of each type of fixture,
- total wattage consumed by all fixtures in the space, and
- the corresponding LEM-1 power for the space.

The Time Perspective

The first lighting energy budget criteria issued by the NJ Department of Energy (DOE) became effective on February 1, 1979, in response to 1978 Federal and State legislation. The method had prescribed a UPD method that had not included lighting criteria for exterior spaces. In May 1982 the DOE published a second set of handbooks that clarified the 1979 criteria. In August 1984 the Subcode was amended to adopt LEM-1 as the standard. When the Energy Subcode was amended in 1987, LEM-1 was continued as part of the model code of BOCA Code of 1984.

Changes in the Energy Subcode can be anticipated because of the most recent Federal energy legislation. The Energy Policy Act of 1992 (EPACT) requires that all states adopt ASHRAE/IES 90.1, 1989, for determining the HVAC and lighting energy budgets for new buildings, except for those states that have adopted budgets that result in greater energy savings. The basic lighting criteria defined by ASHRAE/IES 90.1 is more stringent than LEM-1; however, it provides for higher UPDs where energy saving controls such as occupancy sensors and photosensor dimming systems are utilized.

Stay tuned to the DCA for more on this continuing story.

Standard Availability

Both LEM-1, 1982, and ASHRAE/IES 90.1, 1989, can be obtained from the Illuminating Engineering Society, 120 Wall Street, 17th Floor, New York, NY 10005. Telephone: 212/248-5000.

Source: William J. Lally, P.E.

FTO-2

Is FTO-2 still valid? Yes.

Recently, the Department has learned that there have been questions about the effectiveness of FTO-2, which allows child care centers in B use buildings. Although BOCA has been amended to eliminate B use buildings as child care centers and although the Division of Youth and Family Services' (DYFS) rules for child care centers have recently been amended to exclude the use of B use buildings, FTO-2, which was promulgated with the agreement of DYFS, remains effective until replaced.

We have been working with all of the licensing divisions in the Department of Human Services (DHS), including DYFS, the Division of Developmental Disabilities (DDD), and the Division of Mental Health and Hospitals (DMHH), to devise a Formal Technical Opinion (FTO) that addresses residential programs with a separate FTO for day care programs. Once the revised documents are reviewed and approved, they will be published. At that time, FTO-2 will be withdrawn. Until that time, FTO-2 remains effective.

Source: Emily Templeton
Code Development

Department of Health and Local Responsibility

The Bureau has become aware of some confusion regarding local enforcing agency responsibility for plan review and permit issuance for projects requiring a Department of Health (DOH) approval.

NJAC 5:23-3.11A states that the DOH is the sole plan review agency for all health care facilities. Some code officials believe they have the authority to review plans after release by the DOH. This is incorrect, as the DOH is solely responsible for the review. Hence, no delay in issuing the construction permits for these facilities is warranted.

Code officials frequently telephone the Bureau complaining of what they consider BOCA code violations. It must be understood that the DOH reviews under a different set of standards: some Federal regulations and NFPA 101, as well as BOCA. It is clearly not inappropriate to contact the DOH if you have a question regarding a code issue; however, this still should not delay the permit process. The ultimate decision on code issues remains the responsibility of the Department of Health.

Source: Gerald Grayce
Bureau of Regulatory Affairs

Safety First in the City of Linden

The city of Linden, under the direction of Thomas Caverly, Construction Official, joined with many other state and local governments across the country during the week of April 11-15, 1994, to celebrate Building Safety Week. A week-long celebration

included a proclamation from city council, a poster contest bringing awareness to the middle school students, coffee and danish for homeowners and contractors every morning during the week, and a special luncheon. Local and state representatives attended the luncheon.

The city of Linden urged all citizens to recognize the importance of modern construction codes and the vital contributions rendered by the dedicated individuals who administer them locally and throughout the state.

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

New Jersey Register Adoptions Summer 1994

| Date | Adoption |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2/22/94 | 26 NJR 1073(a) Industrialized/Modular Buildings Adopted Amendments: NJAC 5:23-1.1, 2.22, 3.11, 4.1, 4.18, 4.20, 4.24, 4.26, and 4A.1. Adopted Repeals: NJAC 5:23-4.22, 4.29, 4.31, 4.39, 4A.13 through 4A.27. Adopted New Rules NJAC 5:23-4B and 4C. Adopted Repeals and New Rules: NJAC 5:23-4A.2 through 4A.5 and 4A.7 through 4A.12, effective 2/22/94. |
| 4/4/94 | 26 NJR 1495(a) Notice of Administrative Correction. Licensing of Code Enforcement Officials, General License Requirements NJAC 5:23-5.5. |

Source: E. Maria Roth
Code Specialist

Using UCCARS

Some of the more frequently asked support questions involve partial releases.

Partial-release permits typically start with footings and foundations. So, when an applicant needs a permit to be issued for only the footing/foundation portion of the project, this is what to do.

First and most importantly, enter the partial permit as New Construction. This may sound elementary, but often footings and foundations, if being permitted by themselves, are not considered as being the New Construction project but rather as an Alteration to the ultimate overall project. This is not correct — they must be entered as New Construction.

Now that we have entered the first part of the project as New, UCCARS will require that we enter Square Footage and Volume. Here's the other tricky part: Do not enter the square footage and

volume for the entire building, since you are not yet permitting the entire building. For this portion of the permit, enter only the square footage and volume that corresponds to the specific work currently being permitted. In other words, at this point calculate the square footage and volume only for the footings and foundations. The rest of the square footage and volume for the remainder of the structure will be entered into UCCARS when you issue the permit for it, which will be via a permit update.

Other not-so-obvious data that must be entered as part of the initial footing/foundation permit are the number of Housing Units gained if the permit is for residential construction, as well as Use Group and Federal Census Number. Remember that all the data you are entering for this initial permit reflect on the overall permit, which in this example is for a new house. And tailor this initial permit to the amount of construction activity you are allowing for this phase of construction by entering the square footage, volume, and cost of construction that correspond only to the footing/foundation portion of the project. The rest of the square footage, volume, and cost (as well as permit fees) will be entered on the permit update that will be issued later for the rest of the house.

Again, many UCCARS users issue the initial permit as an Alteration, figuring there is no building being constructed yet so they cannot call it New Construction. Then when the time comes to issue the rest of the permit and it is entered as a Permit Update, they find that they are stuck—they cannot enter the Update as New Construction if they entered the base permit as an Alteration.

Remember that the Type of Work (New, Addition, Alteration, Demolition) that is entered in the base permit is automatically carried through into all permit updates. Therefore, if the overall project is for a new building, the initial permit issued even if it is only for footing/foundation work must be logged in as New Construction.

The above procedure works equally well regardless of whether you are using System I or System II.

Source: Stan Kosciuk
President, Municipal Information Systems

*Watch for your
Fall Education Seminars brochure
in early July.*



Construction Code Communicator



State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 6 Number 3

Fall 1994

On-Site Agency Rules: Construction Official Responsibilities

As of January 1, 1995, new regulations will require municipalities choosing to utilize the services of private on-site inspection and plan review agencies to select the agencies by competitive bidding. Until then, the present rules and procedures—old regulations—(*N.J.A.C. 5:23-4.5A*) will apply.

As a rule of thumb, if any request for proposal (RFP) is issued to authorized on-site agencies during 1994, the old regulations and its requirements must be followed. The contract approved as a result of the RFP must also meet the requirements of the old system, even if the effective date is on or after January 1, 1995.

If the RFP is issued in 1995, the new regulations must be applied. They include rules for competitive bidding, qualification statements, and other new requirements. Resulting contracts must set forth the specific amounts to be paid by the municipality to the private agency [*N.J.A.C. 5:23-4.5A(i)*] and provide that amounts due to the agencies will be paid as stipulated in *N.J.A.C. 5:23-4.5A(j)* 1 through 5.

Municipalities having contract expiration dates at or near the beginning of 1995 and who want to use the new system may make an acting appointment as per *N.J.A.C. 5:23-4.4(a)6*.

As a result of these new rule changes, municipal construction officials will acquire additional responsibilities. Two are relatively simple: (1) The construction official must provide the

Department with a written notice of the execution of each contract with a private on-site inspection agency. This notice must be provided within ten days after the effective date of the contract. (2) Effective January 1, 1995, private on-site agencies will be allowed to serve as acting subcode officials. Notice of these acting appointments must be given to the Department by the construction official within seven days of the appointment's being made and must contain information as to the form and amount of payment being made to the agency for the services.

The most important and time-consuming additional responsibility of the construction official has to do with the preparation of RFPs and with the subsequent selection process. Even though contracts with private agencies will now be subject to the bidding requirements and must be awarded to the lowest responsible bidder, all agencies do not have equal ability to do all jobs properly and price competition will be limited to those that first meet the quality of service criteria. The judge of which agencies meet the service criteria is the construction official. It is also his/her responsibility to set the standards of performance on which the final decision will be based and to make sure that the service criteria are specifically indicated in the RFP.

When preparing the RFP, the construction official must be very specific in detailing exactly what services are required and what is expected of the agency. The RFP must specify the term of

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the proposed contract and any local procedural requirements including, but not limited to, staffing and response time requirements exceeding the minimum standards set forth in the code with which the construction official and governing body expect a private agency to comply to effectively enforce a subcode. For example, if the municipality needs the subcode official in the construction office on Tuesdays and Fridays, that should be specified in the RFP. If you need him/her there between the hours of 10 and 12, also specify that. In other words, make sure that all your needs and expectations are clearly indicated so that there will be no misunderstanding once the contract has been awarded to the successful agency.

The RFP must specify that a written, sealed bid is requested along with a qualification statement containing the information required in *N.J.A.C. 5:23-4.5A(d)1* through 13. Any omission of the required information allows the local governing body the option to automatically disqualify the proposal. It must also identify the subcode(s) for which a bid is requested and state the date and time by which bids and qualification statements must be submitted, which date shall be not less than 30 days following the date of the mailing of the request for bids. The name and address of the person to whom bids and statements are to be mailed or delivered must also be indicated. RFPs are to be sent certified mail with return receipt requested.

Municipalities may not require that an agency have errors and omissions insurance coverage. It is the Department's finding that errors and omissions coverage is so costly that requiring it would severely restrict the ability of new firms to qualify as private enforcing agencies and that it is of little or no use since the only coverage found to be available may not apply to inspections made before the inception of the policy, even if the event giving rise to the claim occurred during the term of the policy.

Once the written sealed bids and the separately sealed qualification statements containing the required information have been submitted to the responsible municipal official, the official must forward all of the qualification statements received to the construction official. It is the construction official's responsibility to evaluate each qualification statement and to advise the governing body, in writing, as to whether in his/her opinion each agency submitting a proposal could effectively enforce the subcode(s) in accordance with the performance standards of the local enforcing agency. This is why it is so very important that careful thought be given in the formulation and preparation of the local performance standards.

When evaluating the qualification statements submitted, construction officials and governing bodies are to base their determination as to whether an agency would be able to effectively enforce the subcode(s) on the criteria specified in *N.J.A.C. 5:23-*

4.5A(e)1, through 6.

After the construction official and governing body determine the agencies that could effectively enforce the subcode(s) for which services are required in accordance with the performance standards, bids are to be unsealed and the contract awarded to the agency that has set forth the lowest percentage of the fees charged by the Department and has been determined by appropriate officials to be able to effectively enforce the subcode(s) for which the bid was submitted.

The governing body is to accept the successful low bid or reject all bids within 30 days of the bid opening and enter into a contract with the successful bidder not less than 30 days prior to the beginning of the contract period. Contracts may be entered into for a period of one, two, or three years.

For educational/informational purposes, the Bureau of Regulatory Affairs has prepared a sample RFP. Copies are available upon request.

We hope this information proves helpful come January 1, 1995. Of course, it is impossible to cover everything in one article so do not hesitate to contact us if you have any questions or need additional information and/or clarification. Please direct your questions to the Bureau of Regulatory Affairs, CN 816, Trenton, New Jersey 08625-0816. We also may be reached by calling 609/530-8838.

Please share this information with your administrative and purchasing officials, and do not hesitate to contact the Bureau for any assistance that might be needed.

Source: Virginia Skwara
Bureau of Regulatory Affairs

Effective Use of UCC Notices

Recently, the Secretary of one of the Construction Boards of Appeal wrote suggesting we clarify the differences between the various UCC Notices and their proper use. It is important for code officials to understand the difference between the notices and make effective use of them.

N.J.A.C. 5:23-2.30 outlines the regulations regarding the Notice of Violation/Order to Terminate, and the Notice and Order to Pay Penalty, also known as Form 210A. In brief, the construction official shall issue a Notice of Violation when there exists a violation of the applicable code, of detailed plans, or of the conditions of a permit or certificate. The official must complete the form and must provide a citation of the specific regulation violated. A reasonable time period for corrections is also to be provided on the form, as well as penalty provisions should the applicant fail to comply within the time period imposed.

N.J.A.C. 5:23-2.32 details the utilization of the Notice of

Unsafe Structure and Notice of Imminent Hazard, or Form 240A. This form is used for more urgent situations than the above mentioned notices. A Notice of Unsafe Structure indicates unsafe conditions, such as occupancy without a Certificate of Occupancy, as opposed to an Imminent Hazard Notice, which implies that serious and immediate life safety concerns are present—a structure about to collapse is an example. A Notice of Unsafe Structure provides a relatively short time frame to make the structure safe, while the owner receiving an Imminent Hazard Notice generally is ordered to vacate the structure right away.

The appeal process for the notices differs also. The regulations provide an applicant with 20 business days to appeal a Notice of Violation, Order to Terminate, or Order to Pay Penalty. The applicant has 10 business days to appeal the Notice of Unsafe Structure or Imminent Hazard.

Serving the notice properly and legally is as important as the notice itself. *N.J.A.C. 5:23-2.33* states the owner, agent, or person responsible for work must receive service of the notice. Service may be made in person, or by leaving a copy at the dwelling/residence of the above person, or with a competent member of the household 14 years old or older residing therein, or other methods consistent with NJ Supreme Court Rules and due process. Sending the notice by certified mail along with a copy sent by regular mail is considered an acceptable method of service. Improper service could potentially void the notice.

The Uniform Fire Code provides similar regulations for notices. The primary difference is that a Notice of Imminent Hazard issued under the Fire Code requires an appeal hearing to be held within 48 hours of receipt of the hearing request.

Source: Gerald Grayce
Bureau of Regulatory Affairs

EDITOR'S NOTE:

The following article is reprinted from the magazine Plumbing and Mechanical with the permission of the author, Julius Ballanco. Mr. Ballanco is writing about a situation in Indiana, but the concept holds true for all code enforcement.

It's the Code, Not the Inspector

I am occasionally hired by city officials to inspect plumbing and mechanical installations. This new concept, called special inspections, allows a jurisdiction to hire an individual to inspect a major building project being constructed within their community.

Special inspectors are extremely valuable to bedroom communities that have large, one-time construction projects. Typically the community cannot afford to hire a new inspector, and quite often the current inspector isn't qualified to evaluate the complex systems encountered on a job. I recently was hired by an Indiana town to perform inspections on a large project. Being the guy that will pass judgment on the plumbing contractor, I wanted to introduce myself and explain when we will need to set up inspec-

tions. When I told the plumbing foreman who I was he asked, "Well, what would you like?"

I scratched my chin, rolled my eyes and thought about his question. Looking him straight in the eye, I said, "Let's see, I'd like a Mercedes in the driveway, a trip for five to Hawaii, a couple thousand dollars in spending money for the trip... year, that's about all I can think of today."

After the foreman lifted his jaw off the floor and looked at me in total disbelief, I asked, "Oh, did you want to know what the code requires for the project? You see, you asked me what I wanted, so I told you!" When it comes to the construction project, I added, what I want doesn't mean squat. The only thing that matters is what the code wants.

The foreman explained that inspectors in the towns where he works all want something different. He was just trying to find out what special quirk I might have so that his men will satisfy my requirements. I explained that Indiana is on a statewide plumbing code and all the inspectors only enforce the BOCA national plumbing code. If his men build to that code it doesn't matter what any individual inspector wants.

After our first meeting, the foreman and I got along very well. He relaxed when he found out all he had to do was comply with the code. Anytime an inspection took place, the contractor didn't worry if there was some ridiculous item I would make them change for absolutely no reason at all. In our conversations, I tried to convince the foreman that the plumbing code and inspections are a very necessary and important part of the profession. The purpose of the code is to protect the public health, safety and welfare. Code enforcement assures the public that the building's plumbing system reasonably complies with the code and will result in safe plumbing.

What the foreman on the job didn't realize is that nowhere in the code does it say, "The Plumbing Inspector is hereby appointed King of the Town, Supreme Commander, Maker of Any Rule He Wants." I firmly believe that any inspector that says, "Screw the code, you'll do what I want," should be shot—well maybe not shot—but at least fired.

Unfortunately, the plumbing profession has tolerated, and even fostered, this mentality in code enforcement. Some plumbing inspectors believe it is their god-given right to make up code requirements. If contractors go along with such nonsense, then they are as much to blame as the inspector.

Every time I tell a plumber this, he responds, "I have to work in this town. I can't be challenging the inspector or he'll screw me on the next job. One way or another, he's going to win."

The problem with this attitude is that code enforcement isn't about winning and losing. It's only about winning, and the winner must be the public, otherwise everyone loses.

The Would-Be King: Alright, let's go back to the beginning. A plumbing code is adopted by a state or local jurisdiction as the LAW. This country was founded on the premise that only elected officials can enact a law. That simply means that it is illegal for an appointed public official to create any law—including plumbing codes.

A plumbing inspector is hired to enforce the law. The inspector is equivalent to a police officer. The difference is that the law being enforced is a special law that only applies to construction. (Also, I hope the inspector doesn't carry a gun.)

Many movies have shown the stereotypical Southern sheriff pulling over a Yankee on the highway. The Yankee is immediately thrown in jail. When the Yankee asks what he did wrong, the sheriff says, "I'll think of something tomorrow."

We all get a big laugh from this portrayal of the sheriff because we know in today's society that an event like that is highly illegal and would not be tolerated — except on a construction site. There it's okay for the inspector to say, "I don't like the way you wet-vented that bathroom group. I want an individual vent on every fixture." Being the Yankee on the job, you say "But why, Mr. Inspector?" His line, "Don't worry, I'll think of something tomorrow."

The scene should be just as funny as the movie. Everyone knows the inspector can't make up the code. That's illegal. I can see fearing the sheriff, but the inspector!? The sheriff has a gun that can kill people. The inspector only has clipboard. What's he going to do — hit you on the head with it?

If an inspector makes an outrageous statement like "I want every fixture to be individually vented," any smart plumber would say, "I didn't see that requirement in the code. Could you show me the section that requires an individual vent for each fixture?"

Now the inspector has a choice. He can either admit his mistake or dig himself into deeper trouble with a stupid comment like "You're in my town, you'll do it my way or I'll drum you out of this community and see you never get another job."

When I hear that response I go into my Robin Williams routine.

"Let me guess, someone died and left this town to you in their will. No, no, no I've got it, you're independently wealthy and bought all the stock in this town. No, that's not it either. This town seceded from the union and you were appointed King of all the Community."

If you're wondering, no, I've never been hit for making those statements but I have seen spaghetti coming out an inspector's ears. Realize that a stupid statement like, "You're in my town," is not deserving of a polite professional response. The statement is illegal. The only way to respond is to tell the inspector you know the law and will install the plumbing in accordance with it.

If any inspector threatens a plumber with retribution, he is flirting with jail time. Never fear an inspector holding something against you on the next job if you challenge their authority on this one. Any good inspector will welcome a contractor's questions on code requirements. That means you're interested in proper plumbing installations.

Fortunately, the number of inspectors who try to rule by force of personality is dwindling. They're going the way of the stereotypical Southern sheriff. The faster we eliminate them from the face of the earth, the better.

The next time a new inspector shows up on the job don't ask him what he wants. Ask what code is being enforced in his

community and then do your work in accordance. That's all he can ask.

Source: Julius Ballanco
President, JB Engineering & Code Consulting, P.C.

On-Site Agency Inspections/Scheduling

Recently, a peer review committee met to consider possible sanctions against two subcode officials who were employed by a private on-site inspection and plan review agency. During the course of the discussions with both individuals it was disclosed that applicants were being advised to contact the on-site agency directly for the scheduling of inspections. This, of course, is completely contrary to the Uniform Construction Code which requires the construction official, pursuant to *N.J.A.C. 5:23-4.5(h)1.ix*, to ensure that all required inspections are scheduled and performed within the proper time frames. The construction official serves as the chief administrator of the agency. Even in an agency where all of the subcodes are enforced by on-site agencies, the administrative responsibilities remain with the construction official and the municipal enforcing agency.

At the same meeting, it was disclosed that on-site agency subcode officials and inspectors often do not have the technical sections on their person when performing an inspection. All too often, the inspector, not having the technical section, is unsure of the scope of the work and is thus unable to perform a proper inspection. There has to be better coordination between the municipal enforcing agencies and the on-site agencies to ensure that administrative problems of this nature are eliminated. The construction official must take the appropriate measures to both enable the applicant to deal directly with the municipality and to ensure that the on-site agency personnel are following the proper record keeping procedures pursuant to the requirements of the Uniform Construction Code. If code officials are experiencing any of the problems described above, they are advised to contact the Bureau of Regulatory Affairs. Failure to do so could result in one's future appearance before a peer review committee.

Source: Robert Hilzer
Bureau of Regulatory Affairs

Septic System Closure

With the adoption of the 1993 codes, the Department deleted the portion of the National Standard Plumbing Code dealing with the septic tank closure. We did this because NJDEP regulations gave the authority for septic tank closures to the health officials. In effect, this often caused two types of municipal inspectors to go to the site: the health official for the septic systems and the plumbing inspectors for the hookup to the public sewer systems. This is a duplication of effort and simply not required.

The Department met with the DEP to correct the situation and both departments are in the process of submitting changes to their regulations that will correct this duplication. We have agreed

that it is appropriate to follow those guidelines even before the amended regulations are adopted.

For septic tank closure:

1. If a permit has been issued for a hookup to a public service system, the plumbing inspector will inspect the septic system closure in accordance with the National Standard Plumbing Code.
2. If there is no permit issued and the septic system is being closed because of abandonment or the installation of a new septic system, the health officer will do the inspections in accordance with their regulations.

If you have questions concerning this issue please call:

1. DCA Code Assistance 609/530-8793
2. DEP 609/984-1909

Source: William Hartz
Chief, Bureau of Technical Services

"E Pluribus Unum"

"From many, one" appears on your pocket change. The currency reflects a fundamental principle binding together States with different climates, demographics, and geography into one Union, still preserving the home rule autonomy of local political subdivisions.

Twenty years ago, in a small but densely populated State, there existed a remarkable situation. Five hundred sixty-seven different sets of building, electrical, fire, and plumbing codes were being enforced in the five hundred sixty-seven different municipalities of the State. One of a builder's first tasks at project inception was to find out, from local ordinance or word of mouth, what standards were required.

In the late 1970's, the New Jersey Uniform Construction Code Act pulled together with a consensus process the bewildering buffet of building requirements. With the UCC Act's implementation, one set of technical standards in each building construction discipline was adopted for local enforcement, from one end of the State to the other. Interpretations and new products/new wrinkles will always keep the Code a lively creature, but, to those approaching the construction process, there is predictability in the arena.

The Uniform Construction Code Act, though, did not address site work, and the government still puts the phrase on the penny.

On January 29, 1993, the Site Improvement Standards (SIS) bill was enacted. Amending the Municipal Land Use Law, the SIS Act calls for common statewide technical standards in residential development site work. The Act addresses streets, roads, parking facilities, sidewalks, drainage structures, and utilities. Enforceable by municipalities in the context of regional differences and local ordinance, the SIS Act provides for the establishment, once again by a consensus process, of technical standards and a uniform application form.

The Site Improvement Advisory Board created by the Act has been working as a Board in public session and in committee since July 1993 to prepare recommendations for the Commissioner of the DCA. After Commissioner Harriet Derman's approval, the standards, based on a Rutgers model, will be proposed in the New Jersey Register for public comment.

If the Municipal Land Use Law is one of the tools of your profession, you may want to check that you have the Site Improvement Standards Act available. The DCA welcomes input from individuals and organizations who may contribute their expertise to the ongoing process. A note to CN 802 or phone call to 609/292-7898 will at the least ensure your placement on the interested parties list for all mailings.

Source: Vivian Lopez
Division of Codes and Standards

Federal Fair Housing Amendments Act and Congregate Dwellings

The Fair Housing Act prohibited discrimination based on race, religion, sex, or national origin in the sale or rental of housing. In 1988, the Federal Fair Housing Amendments Act (FFHAA) prohibited discrimination based on family status or disability. It also added the prohibition of discrimination in the construction of multi-family dwellings with four or more units. To clarify what constitutes discrimination in the construction of multi-family dwellings with four or more units, the Department of Housing and Urban Development (HUD) promulgated regulatory guidelines in 1991. Those guidelines interpreted the requirement of the FFHAA that access be provided "into and through" the dwelling unit. As a safe harbor, the guidelines provided that compliance with the American National Standards Institute standard for accessible design (ANSI A117.1) ensured compliance with the FFHAA. Fortunately, in New Jersey the technical provisions of the Barrier Free Subcode (BFSC) were based on ANSI A117.1, so the greatest effect of the FFHAA on the BFSC regulations was the change from five to four in the number of dwelling units in a building that triggered accessibility.

The major impact of these regulations has been felt in the application of zoning regulations to the prohibition of discrimination on the basis of disability. Disability is defined broadly. It includes the limitation of one or more major life activities, such as speaking, seeing, walking, or breathing, the record of such a limitation, or being regarded as having such an impairment. The law applies to all disabilities, including developmental, motor, and sensory; it includes those who have completed a rehabilitation program for substance abuse; those with infectious diseases such as the AIDS virus; and those whose diseases are managed by a dietary or medicinal regimen.

Court cases have been adjudicated that show clearly that zoning and land use ordinances that restrict the choice of a dwelling unit by a person with a disability are prohibited. The Federal courts interpret the land use and zoning restrictions as

unnecessarily paternalistic and conclude that they are based on unsubstantiated prejudice. Interestingly, the FFHAA does not prohibit more stringent construction code requirements; however, it does prohibit those requirements that are based on unsubstantiated prejudices about people with disabilities. In cases where more stringent code requirements are to be applied, they must be based on objective criteria.

The Department of Community Affairs is making an effort to spell out the conditions that provide objective standards for construction requirements for congregate dwellings. In fact, a bulletin, which is being reviewed by the Code Advisory Board, will be issued on this subject. The premise of the bulletin is that the provisions for R-2 dwellings are well suited to apartment buildings. However, they are difficult to apply to small households of independent adults who, although they may have some disability, are, nonetheless, generally healthy, independent, and alert.

The Department has proposed a code change to BOCA that includes a new use group for congregate living arrangements. The congregate dwelling unit would be a one or two family dwelling that houses six or more independent adults who can egress promptly and who share living facilities including cooking, sleeping, eating, and sanitation. The code requirements for the congregate dwelling would be slightly more stringent than those for the R-3 and slightly less stringent than those for the R-2.

In recognition of the need for clear, reasonable, objective standards, BOCA has established an Ad Hoc Committee, of which the Department is a member, to discuss this proposal. The Department will continue to keep code officials advised of progress on this crucial issue.

Source: Emily Templeton
Code Development

Update — Survey of Energy Conservation Building Practices in Residential Construction

In October 1991, the New Jersey Energy Master Plan Committee formally adopted the 1991 Energy Master Plan. The plan addresses the supply, price, and use of energy in the State.

The Energy Master Plan represented a framework for action, which was addressed through the subsequent development of the Implementation section to the Plan.

The Implementation section, like the Energy Master Plan itself, was developed to reflect the State's energy policy goals:

- to provide secure energy supplies and services to energy users,
- to encourage growth by providing energy services at the least cost,
- to protect our environment through wise and efficient energy use, and
- to balance energy needs and impacts through coordinated and integrated planning.

The Energy Master Plan recommends 77 implementation actions. The Implementation section classifies those actions into three groups:

1. energy supply,
2. energy demand, and
3. transportation and infrastructure.

Several implementation actions related to both energy supply and demand, and for which Community Affairs has shared responsibility, are being addressed by way of a survey of energy conservation building practices in residential construction.

To this end, a sample of 1009 new residential construction units was drawn from the New Home Warranty Central Register database, an automated tracking system maintained by the NJDCA. The sample was drawn from the three main regions of the state. No more than twelve (12) properties were selected from a given town.

An energy survey form and a property list for each of the selected 262 municipalities were mailed to the appropriate construction code officials in the municipalities in December 1993. The NJDCA has received completed or partially completed survey forms from the construction officials of 122 of the 262 towns. Therein lies the problem.

To obtain a set of survey data from which to make sound decisions, we need the construction officials who received the survey forms to fill out and return the forms to the NJDCA in the business reply envelopes provided. Those who returned the form but had information missing from the section of the survey entitled "2. Thermal Envelope Construction" were sent a letter in early June 1994, with an enclosure which indicated the missing data we require. Please complete and return the enclosure to the NJDCA as soon as possible.

We have a record of all construction code officials to whom the survey was mailed in December. If you think you may have received the form but have misplaced it, please call Roberta Davis at 609/292-7898. The master list will be checked and another form with the applicable properties identified will be mailed to you. If you have any questions on the survey, please call Mitch Malec of the NJDCA at 609/292-7898 between the hours of 9:30 AM and 4:30 PM.

Please return all completed survey forms no later than November 15, 1994.

Source: Roberta D. Davis
Office of Planning and Operations
Division of Codes and Standards

Interagency Task Force on Prevention of Lead Poisoning

The fifth annual lead poisoning prevention conference, "Lead in Our Lives: Being Part of the Solution," will be held on Friday, October 21, 1994 at Cook College Campus Center, Cook College, New Brunswick, from 8:30AM to 4:30PM. The purpose

of the conference is to present the most current information about lead poisoning prevention.

The fee for the conference is \$25 and includes breakfast, lunch, and all conference materials.

While this conference is not recognized for code enforcement continuing education credit, there will be valuable information that will have relevance to code officials.

For registration information call 609/782-6035 and ask for Stacy Kenyon or Joan Luckhardt.

"How Much Do You Charge for a Permit, Mr. Inspector?"

Permit fee complaints come in a lot to the Department. Sometimes they turn out to be State fees from *N.J.A.C. 5:23-4.20* in the blue book for "State enforcing agency" towns or private on-site agencies (although January 1, 1995 will see the reinstitution of competitive bidding in the latter area).

And sometimes they're municipal fees that the town has adopted itself. It's tough for us to respond to the public when you've forgotten to send us a copy of your fee ordinance.

N.J.A.C. 5:23-4.3(d)7 requires that fee ordinances, " ... including any amendments thereto whenever made, shall be forwarded to the department upon adoption."

Please: Keep the fee schedule posted for the public and make sure a copy is on file at the Department. Regulatory Affairs at CN 816 maintains the files.

Source: Vivian Lopez
Division of Codes and Standards

To CO or Not to CO, That Is the Question

The prospective homeowner is pleading for a certificate of occupancy because a mortgage commitment is about to expire. The new home is almost complete, missing some trim or gingerbread, and even, perhaps, the "on order" custom plumbing or lighting fixtures.

Especially now as interest rates are rising, much pressure can be put on a construction official to final out a job prematurely so that the closing can take place. Should a construction official even consider issuing a (t.)c.o. when clearly the home is unfinished?

There is no homeowner "waiver" provision in the UCC. There are numerous horror stories out there about the Jekyll and Hyde nature of folks who will entreat the construction official (today) for a certificate. Then, in the following days or weeks as the homeowner encounters builder reluctance to complete "waived" items, the tables are turned and the same construction official becomes the monster who "recklessly, carelessly, or negligently" issued a certificate of occupancy on an unfinished project.

As much as we attempt to meet the needs of our citizens, there are circumstances when it is preferable to be thought a hard

case rather than find oneself (and those same citizens) the victim of one's own softheartedness.

In the same vein, a few words once again about the construction office decision on whether 'tis nobler to issue a certificate of occupancy or, on the other hand, to issue a certificate of approval.

As we know, one or the other is required when a project, small or large, is finalised. Apart from the absolute UCC requirement and other legal reasons, certificate issuance (especially on small homeowner jobs in the building season) pragmatically controls the rollicking growth of open permit files.

Specs for the certificate of occupancy are pretty well covered in *N.J.A.C. 5:23-2.23*. There's one notable special treatment in Subchapter 8 for asbestos removal, where *N.J.A.C. 5:23-8.8* spells out its requirements for certificate of occupancy issuance. But, generally speaking, if you don't see the type of project in question in section 2.23, fall back on issuing a certificate of approval.

For example, if it's a change in use, or increase in height or area, clearly issue a certificate of occupancy. Alteration of commercial space, as in a new tenant fit-up, would generally call for a certificate of occupancy.

Just make sure that an appropriate finaling document is, indeed, issued in all cases. It's not just "paperwork"!

Source: Vivian Lopez
Division of Codes and Standards

Product Expo '95

We are starting registration for the Product Expo at the 1995 Building Conference of N.J. Any vendor interested in more information and a copy of the registration form should write to:

Building Safety Conference of NJ
P.O. Box 6604
Lawrenceville, NJ 08648

Our current floor plan has space for 65 booths. Based on the number of vendors returning and new vendors who already requested registration forms, we only have about 16 available spaces.

The Product Expo was created to allow vendors with new and/or innovative products in code enforcement to explain and discuss their products with inspectors. The inspectors do not buy your products, but they may be responsible for approving them.

Source: William Hartz
Chief, Bureau of Technical Services

New Certificates for Seminars

Starting this fall semester we will no longer provide certificates in the format that you have known. A new CEU form has been designed which will have two parts. At the completion of the seminar your CEU form is collected. It will be initialed by the facilitator, separated, and the second sheet will be returned to the inspector. This will be the inspector's record and the certificate of

completion. This new process streamlines our operational procedures, saving time and money.

After the first of the year, a transcript letter will be mailed to each inspector. This will identify the CEU requirements and the seminars taken by an inspector. We hope this will help with your personal recordkeeping.

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

Using UCCARS

All monies that are taken in for payment of Permit or Certificate fees are recorded in the standard Record of Payment screen. This enables you to print a report identifying and totaling these receipts on a daily, weekly, or monthly basis.

The companion to the Record of Payment screen is the Adjustment screen. This is used when a Permit or Certificate fee has been entered incorrectly and a correction or adjustment must be made.

Note that both the Record of Payment and the Adjustment screen require that either a Permit number or a Certificate number be entered.

But there are times when you will receive payments for things other than Permits or Certificates. These might include fees for Contractor Registrations, Garage Sales, Dog Licenses, Tax Maps, Copies, or Resale CO's. Note that these fees are all generated via local ordinance, have nothing to do with the Uniform Construction Code, and are not associated with a UCC permit or a UCC certificate.

And the Cash Receipts Audit Report that UCCARS generates is such a convenient way of accounting for all monies received by your department, that a special screen, the Miscellaneous Payment and Adjustment Screen, has been provided for entering such fees. Since this screen is not used nearly as often as the standard Payment screen or the standard Adjustment screen, we combined both the payment and the adjustment functions into this one non-UCC screen.

Some people erroneously process adjustments to Permit or Certificate fees using the Miscellaneous Payment and Adjustment screen. The rules are: (1) if you record a fee using the standard Record of Payment screen, use the standard Adjustment screen to record any corrections; and (2) if there is no permit or certificate number involved, record the fee and any corresponding corrections under the Miscellaneous Payment and Adjustment screen.

Normally this means that if the fee relates to the UCC, use the standard Record of Payment screen. If it is a non-UCC fee generated from a local ordinance, use the Miscellaneous Payment and Adjustment screen.

Occasionally, however, you will receive UCC-related fees for which you have no permit or certificate number. These will typically include penalties for work done without a permit, and elevator reinspection fees. Both these fees should be recorded in

the Miscellaneous Payment and Adjustment screen, which does not require you to enter a permit or certificate number.

Source: Stan Kosciuk
President, Municipal Information Systems

UCCARS Bulletin Board

A little used feature of the UCCARS Software is the Uniform Construction Code Regional Bulletin Board System (UCCRBBS). The UCCRBBS is a full featured bulletin board for use by Construction Officials, Control Persons, and others. The bulletin board provides the user with access to Bulletins, downloadable files, and a message center to leave or receive messages from other users.

To use the bulletin board UCCARS System I users need only exit the UCCARS program, go to the C: UCCARS prompt and type UCCRBBS, hit the enter key and the computer dials up the bulletin board. System II users may have a problem in using this method of accessing the bulletin board; if so, please call for assistance. The UCCRBBS file is created by the UCCOMM disk that is installed in order to permit the UCCARS program to Send data to DCA. At this point the user must enter their name, town and establish a password.

Bulletins of note that change on an ongoing basis include a Revoked Builders list, Approved On-Site Inspection Agencies, and Advance Notice of Seminars. The Advance Notice of Seminars gives the UCCRBBS user two weeks of advance notice prior to the mailing of the seminar list.

The downloadable files include Model Code Adoptions and a manual for using the bulletin board.

If you have any questions please call Larry Wolford at 609/530-8835.

Source: Larry Wolford
Research Analyst, Bureau of Code Services

Annual No Activity Reminder

Annual reminder to all towns: Regardless of lack of activity, you must send the department a monthly report. This report is required whether you report manually or use the modem. This report is due within 10 work days after the close of the month. Modem towns that have no activity should send a written note to signify that there has been no activity.

Source: Larry Wolford
Research Analyst, Bureau of Code Services

New UCC Update Procedure

Our present system allows for mailing updates to the Uniform Construction Code twice a year. This causes long delays between the actual adoption of a regulation and when you finally receive it. This procedure will be improved.

All licensed code officials and those on the subscription service have received Transmittal 32. Transmittal 33 is being prepared and transmittal 34 will follow quickly behind. From then on mailings will be done on a quarterly basis.

Except in emergencies, the Division of Codes and Standards will only adopt regulations four times a year: March, June, September, and December. By using this method, all transmittals will be mailed within 75 days of their adoption.

Source: William Hartz
Chief, Bureau of Technical Services

Bulletin Update

Did you ever wonder if bulletins issued in 1979 are still valid? We did also.

Several months ago we began a review of all bulletins beginning with the most current active bulletin 79-1 "Prior Approvals for Potable Water Wells". This bulletin is still valid, but a few of the citations have changed. It will be revised with the new citations and reissued.

In the next month you will receive the first phase of the bulletin review. It will include a new index listing all bulletins and which ones have been withdrawn, combined, or are still active. In addition there will be four revised and three new bulletins.

Phase 2 will finalize the project and should be ready in about six months.

I would like to thank the Code Advisory Board and all of the subcode committees for their help with this project.

Source: William Hartz
Chief, Bureau of Technical Services

State Training Fees, Just a Reminder

State training fees are used to support the training of Construction Officials, Sub-Code Officials, and others related to the Building/Construction/Inspections offices. If there has been no activity during the quarter you must send the State Training Fee Report (UCC form R-840B) with zeros in the fields for State Training Fees, Cubic Volume, and Dollars of Construction (alterations only). State Training Fee Reports are due regardless of the level of activity during the quarter.

The procedure that should be followed by the municipality include the compilation of the data for the report, the completion of the required form, and the mailing of the form plus a check for the total dollars collected. The completed report includes the total dollars in DCA training fees collected, The total of all cubic volume (whether or not DCA training fees were collected on the volume, and total dollar costs of alterations (again, whether or not DCA training fees were collected on the cost). If the municipality uses the State's UCCARS program the steps to follow are: selecting Print Reports from the main menu, entering the proper password, selecting the menu option Training Fee Report, highlighting

the quarter to print, entering the year, and printing. Exempt volume or alteration costs should be noted on the bottom of the form.

Note to modem towns: This is the only report not submitted electronically to DCA. You must send a printed report and check to the Department.

Include the report with a check payable to the Treasurer, State of New Jersey, for the total DCA training fees collected, and mail to:

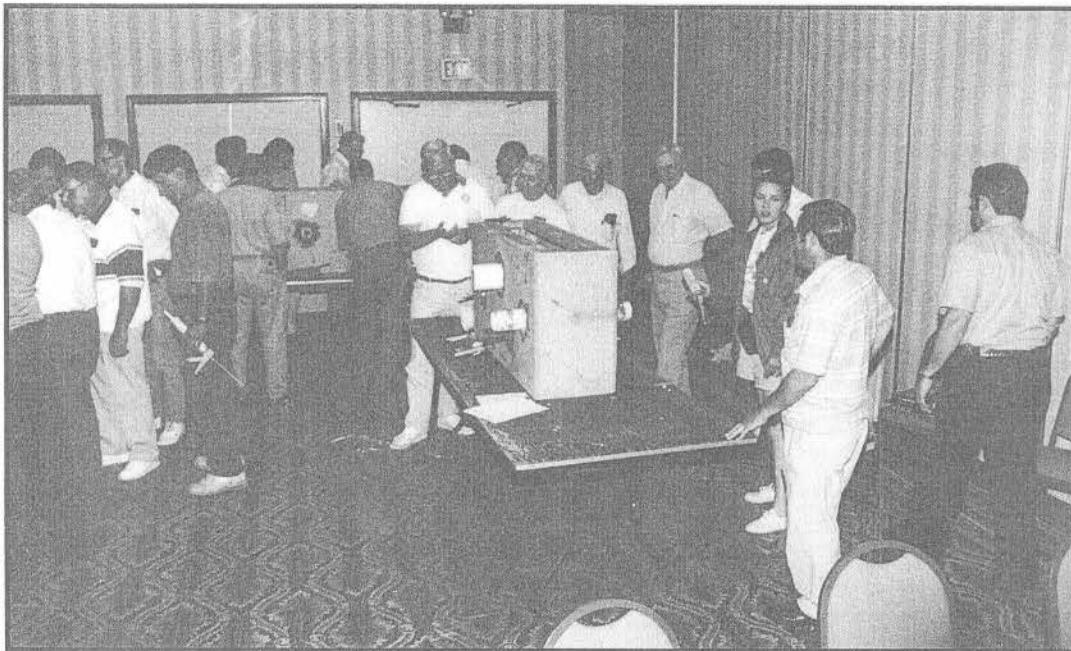
N.J. Department of Community Affairs
Construction Code Element
CN 816
Trenton, New Jersey 08625-0816
ATT: Training Fee Coordinator

Source: Larry Wolford
Research Analyst, Bureau of Code Services

New Jersey Register Adoptions Fall 1994

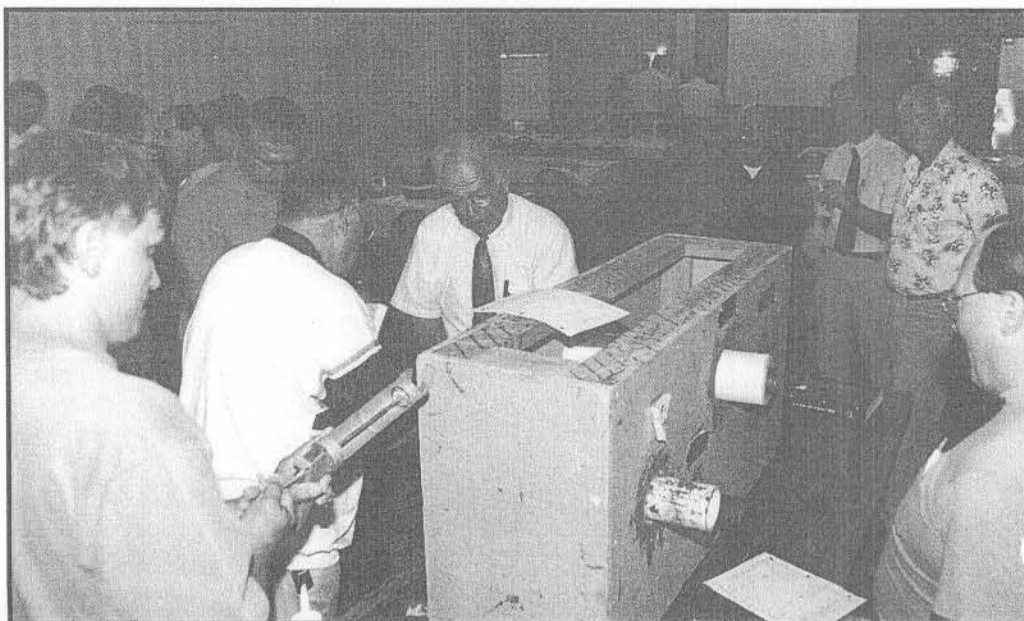
| Date | Adoption |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7/5/94 | 26 NJR 1779(c) Notice of Administrative Change, Definitions: <i>N.J.A.C.</i> 5:23-1.4 26 NJR 2780(a) Private Enforcing Agencies, Adopted Amendments: <i>N.J.A.C.</i> 5:23-4.4, 4.5, 4.5A, 4.14, 4.18, and 4.20, effective 7/5/94, operative 1/1/95. |
| 9/6/94 | 26 NJR 3706(a) Increase in Size, Adopted Amendment: <i>N.J.A.C.</i> 5:23-2.5, effective 9/6/94, operative 1/1/95. 26 NJR 3706(b) Backflow Preventers, Adopted Amendments: <i>N.J.A.C.</i> 5:23-2.33 and 4.20, effective 9/6/94, operative 1/1/95. 26 NJR 3706(c) Elevator Inspector HHS Requirements, Adopted Amendment: 5:23-5.19, effective 9/6/94, operative 1/1/95. 26 NJR 3706(a) Asbestos Hazard Abatement Subcode; Asbestos Safety Technician, Adopted Amendment: <i>N.J.A.C.</i> 5:23-8.10, effective 9/6/94, operative 1/1/95. 26 NJR 3707(b) Notice of Administrative Change, Radon Hazard Subcode <i>N.J.</i> Municipalities in Tier 1, <i>N.J.A.C.</i> 5:23-10 Appendix 10-A. |

Source: E. Maria Roth
Code Specialist, Code Assistance Unit
Bureau of Technical Services



Hands-on Seminar

All during 1994, 3M Corporation has presented eight seminars entitled *Through Penetration Fire Stopping Systems*. This is a hands-on seminar that not only offers the theory but also the practical application. Instructors: William Galinsky and Allen Thomas.





Standing, (left) Susan McLaughlin, Supervisor of the Education Unit and (right) Larry Wells, Program Development Specialist. Sitting, (left) Karen Romanski, Principal Clerk Typist and (right) Ann Ferry, Senior Clerk Typist.

Education Unit

The People You Talk To

Hundreds of call come into DCA daily. We thought you might like to see the people you talk to.

Licensing Unit



Standing, (left) Frank Salamandra, Supervisor of the Licensing Unit and (right) John Delansandro, Licensing Examiner. Sitting, (left) Cynthia Hope, Senior Clerk Typist and (right) Pat Bognar, Principal Clerk Typist.

Construction Code Communicator



State of New Jersey
Christine Todd Whitman, Governor

Department of Community Affairs
Harriet Derman, Commissioner

Volume 6 Number 4

Winter 1994

Recent Relocation Decision No Cause for Alarm

In a recent hearing decision regarding a case entitled *Travers and McSorley v. Township of Old Bridge*, the administrative law judge ruled that the petitioners, who had vacated their rented home after allegedly being told by the inspector that they would be put out immediately if there were a court determination that the building was unfit for human habitation, were eligible for relocation assistance. After notice of this decision appeared in the *New Jersey Law Journal*, the Department received expressions of concern from code officials as to its consequences for enforcement procedures.

The Department does not view this case as making any change in the rules under which people may qualify for relocation assistance. *N.J.S.A. 20:4-14* provides that "a person who moves or discontinues his business or moves other personal property, or moves from his dwelling . . . as the direct result of code enforcement activities . . ." is eligible for relocation assistance. (Note that there is no eligibility in the case of a true emergency). *N.J.A.C. 5:11-2.1(b)* provides that an order to vacate issued pursuant to *N.J.A.C. 5:23-2.32(b)1* because a building has become unsafe or uninhabitable as a direct result of a natural disaster, soil subsidence, fire, a latent defect or other sudden and unforeseeable occurrence is not "displacement" due to code enforcement activities.

The authority of the construction official to require buildings to be vacated is found in *N.J.A.C. 5:23-2.32*. Notice to vacate

should be given using either form F-240A, in the case of an imminent hazard, or form F-245A. However, even if the construction official does not find it necessary to vacate the building in order to get the violations corrected, and therefore issues a notice of violation and order to terminate (form F-210A) but does not issue either of the vacate notice forms, all code officials and inspectors must still be careful not to make any statement that might be construed as a verbal notice to vacate. If a statement is made that a building occupant might reasonably understand to be a verbal notice to vacate, this case shows how he/she might, in certain factual situations, be found to be eligible for relocation assistance, despite the fact that the code official only intended to require that the violations be corrected.

There is a further lesson to be learned from the case; if you do not agree with statements made in court or in an administrative hearing by a person claiming relocation benefits on the basis of something you allegedly said, say so! Although the inspector was available to testify at this particular hearing, the municipal attorney did not call him to the stand to rebut the claimant's statements. Perhaps the claimant was misconstruing whatever it was that the inspector said about the condition of the building. Perhaps the inspector could have put his/her remarks in a context that would have made it clear to the judge that the problem could have been corrected without removing the occupant and that the claimant was not justified in interpreting what was said as a warning to vacate.

(Continued on page 2)

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The judge, however, could not consider these possibilities since the inspector, by not testifying, was understood to be agreeing with the claimant's allegations.

We believe this case is sufficiently distinguishable on its facts that it is unlikely to be a precedent for future unwarranted relocation assistance awards in code enforcement cases. Code officials can continue to issue notices of violation and orders to terminate without fear of thereby incurring liability for relocation assistance for their municipalities. However, the case does serve as a reminder to all code officials and inspectors that care must be taken to avoid making statements that might be misconstrued by a building occupant to his or her financial advantage.

Source: Michael L. Ticktin
Chief, Legislative Analysis
Division of Codes and Standards

Who's the Boss?

We recently have had several calls to find out when a construction official can overrule the subcode official.

N.J.A.C. 5:23-4.5(h)2 states, "Nothing contained herein shall prevent the construction official from overruling a decision of a subcode official if he is qualified and certified in that subcode pursuant to subchapter 5 of this chapter." This means that if the construction official is licensed in the same subcode area as the subcode official and is qualified, by level of license, he/she may overrule the subcode official. For example if the construction official is licensed as Building HHS and Electrical ICS, he/she may overrule the building subcode official on all projects and the electrical subcode official on all class 2 or 3 work *but not* on class 1 structures.

When the construction official does override a subcode official this shall be done in writing and become part of the permanent file.

Source: William Hartz
Chief, Bureau of Technical Services

NOTICE Municipal Appointments

Effective immediately information on appointments of Construction Official and Subcode Officials, any acting appointments, or requests for acting appointment extensions will be sent to the Bureau of Regulatory Affairs. Address all information to:

Mr. Ken Horton
Chief, Bureau of Regulatory Affairs
CN 816
Trenton, NJ 08625

Stuck in the Middle

This article is in response to a number of inquiries from owners dealing with computer generated elevator inspection reports.

As I pursue the inquiry I'm told by the inspector: "My original inspection report says the motor room door must be self closing." However, the computer generated report reads as follows, "Rule 101.3d access doors and openings." As a result the owner receiving the computer generated report sees no description of the exact problem, and asks, "What is wrong?"

A proper report must contain:

1. The code used.
2. The rule number from the code used.
3. Enough information to abate the violation.

Remember, the purpose of sending the inspection report to the owner or his/her agent is to alert them to code violations and give a reasonable period — immediate if dangerous — to correct. If the violation can not be understood, how can it be corrected?

Code Compliance = Safety

Reaching that goal should be made as clear and concise as we can make it.

And the Uniform Construction Code requires we do so.

BE SAFE — WORK SAFE

Source: Bob Sweeney
Field Supervisor, Elevator Safety Unit

Shop Drawings — Do You Really Need Them?

How many times have you had a discussion with a design professional about the need for shop drawings? Do these documents need to be submitted? Do they need to be signed and sealed? Where in the UCC does it say I can require them?

These are some of the questions that have been posed to the Code Assistance Unit. Let us see if we can clear up this issue a little.

As per *N.J.A.C. 5:23-2.15 (e) 1 vi*, the Construction Official or the appropriate Subcode Official may require adequate details on a plan submittal to determine Code compliance. This code citation does not specify the form in which the information must be submitted, be it in the form of design drawings or shop drawings. It just states that the Official can require whatever is necessary to verify that the design meets the minimum standards of the Code. If the design professional provides sufficient detail in the original design drawings such that it can be determined that the design is Code complying, it is not necessary for shop drawings to be submitted. If however the design professional does not provide adequate details, the Official may require additional information be submitted. This additional information may be provided by means of a design drawing modification or by means of a shop drawing. If there is a need for shop drawings to be submitted due

to the fact that they are an integral part of the design document, then they should be signed and sealed by a design professional. In some cases, it is the preference of the original designer to have shop drawings submitted by the contractors' design professional for the specialty item in question.

A Brief Example

An owner submits signed and sealed documents which utilize pre-stressed concrete planks. The design drawings provide sufficient information including calculations and details such that Code compliance can be verified. It is not necessary for shop drawings to be submitted.

The same owner submits the same plans only this time "Pre-stressed concrete planks by others" appears on the design documents. You, as the Official, should require additional information to determine if the design meets the minimum requirements of the Code. These documents may be in the form of shop drawings or design drawings, of course signed and sealed by a design professional.

This applies to all phases of plan review where shop drawings are regularly submitted.

Source: John Terry
Bureau of Technical Services

How Many Permits Do I Need?

A frequent question is, "How many permit applications for HVAC work are required?" This is an area in the Code that has lacked uniformity for some time.

In all cases, only one permit is required; however, a separate technical section is required for each subcode official who has inspection responsibility for the HVAC work. Since a mechanical official is voluntary and only applicable to R-3 work, in most cases several officials are involved in the inspections. The breakdown is roughly as follows:

- The plumbing subcode official is responsible for any new gas, oil piping or hydronic piping.
- The fire inspector is responsible for the general equipment installation and checks such things as clearance to combustibles.
- The building subcode official is responsible for any new ductwork as well as chimney and vent requirements.
- The electrical inspector is responsible for the electrical connections to the new equipment.

It is easy to see, based on the above, why some towns send out four inspectors to check a furnace replacement. Other towns have recognized that this is a somewhat cumbersome system and

have omitted certain officials' inspections where the work is straightforward and can be "covered" by one of the other officials who are inspecting. This is where the inconsistency arises. In some cases, towns do not require inspections by the plumbing, electric, and/or building official. Nearly every town requires a fire technical inspection.

Towns may choose not to issue an electrical technical section where there is existing electrical wiring to an appliance that is being replaced. Towns, in some cases, do not require a plumbing permit if gas piping upstream of the appliance shut-off valve is not altered. Finally, if only minor modifications to ductwork are made and if only the appliance connector is being replaced, some towns omit the building technical section.

The Department is sympathetic to towns who try to streamline the permit process and keep fees down, as long as public safety is not compromised. In my opinion, for the cases mentioned above, it is appropriate to omit responsibility of a subcode when the work is minor to a point where an inspection is superfluous (i.e., an electrical inspection to look at two wire nuts or plumbing inspection to look at a gas appliance connector).

Using this logic, I assume for the following work, a town can ask you for these corresponding technical sections as a minimum.

1. Furnace replacement with no change in fuel type, no relocation, no significant change in ductwork - fire only
2. Furnace replacement as in #1, with new installation of air conditioning condenser plus "A" coil - fire, plumbing and electric
3. Replacement of existing furnace, no change in location, but a change in fuel type - fire and plumbing
4. Replacement of existing boiler with no change in fuel type or location - fire and plumbing
5. Replacement and relocation of furnace - fire, plumbing, building and electric

Obviously, this does not cover all situations, nor is it likely to unify what the towns require. However, I hope it offers some explanation for the inconsistency and hopefully, some guidance on the intent of the present system of requiring multiple technical sections.

Source: Michael Baier
Bureau of Technical Services

EDITOR'S NOTE:

There are now 203 UCC licensed mechanical inspectors. This concept is finally starting to catch on. The Department is still interested in comments from municipalities on the successes or problems of using a mechanical inspector.

VISITORS TO N.J. LEARN THE CODE

BOCA honored three New Jersey municipalities in September by selecting them to serve as hosts for representatives from Poland and Slovakia. The three municipalities selected were:

Egg Harbor Township, Atlantic County
Construction Official-Robert Lemon

Mahwah Township, Bergen County
Construction Official-Gary Montroy

South Brunswick Township, Middlesex County
Construction Official-Anthony Lombardo

The Department congratulates all the code officials and administrators of these three municipalities for being selected for this honor.

The following is a brief narrative from each municipality concerning this experience.

Egg Harbor Township

Back in April BOCA notified its membership about a program co-sponsored by the Home Builders Institute in Washington, D.C. and funded by the United States Agency for International Development to train 30 building officials from Poland and the Republic of Slovakia in the administration of U.S. building codes and standards.

Egg Harbor Township expressed an interest in the program and was accepted to host an Eastern European building official during the week of September 23rd to 30th. Our selectee was Roman Gajownik from Warsaw, Poland. Roman has a Doctorate in Civil Engineering and is a Quality Manager for concrete construction in Warsaw.

During Roman's visit to our agency he was hosted at the home of John McGraw. During the day Roman accompanied the building inspectors, learning our procedures and inspection practices under the UCC. On Monday the 26th he visited an appeals hearing at the Atlantic County Construction Board of Appeals. On Wednesday he attended a township committee meeting and was presented with a resolution and a key to the municipality. On Friday he attended a Code Advisory Board Meeting in Trenton.

We entertained Roman by going swimming in the ocean in Cape May, walking on the Wildwood and Ocean City boardwalks, enjoying the variety of seashore restaurants, and touring Atlantic City's Casinos. And yes, he did play the slots and won \$40.00.

As an example of the technical exchange that occurred, we learned from Roman that considerably more responsibility is placed on the architect in Poland. He was amazed at the variety of premanufactured products that are installed in residential homes. The cultural exchange was also very rewarding in that wherever Roman went he made friends. He expressed to me many times the overwhelming vastness of the United States, its friendly people, and how as a code agency we protect our citizens through the permit process.

From my observations and BOCA's evaluation the program was an outstanding success.

Source: Robert Lemon
Construction Official
Egg Harbor Township

Township of Mahwah

On September 23 through October 1, Ms. Maria Batory spent time observing the operation of the Department of Inspections in Mahwah, NJ.

We performed plan review and inspections daily. The workload varied from additions or alteration to single family houses to inspection of a 60,000 square foot shopping center.

Ms. Batory participated in several forums on the complete developmental process in New Jersey. She explained the construction process in Poland, and a panel of experts explained the process in New Jersey. The panel consisted of the Mayor and council president representing the political side, the Chairman of the Mahwah Planning Board, two code officials, and ten builders/developers. The discussions included the different perspectives each group has of the process, problems with the process, and how to correct these problems. Ms. Batory also attended the Mahwah Planning Board and Council meetings where she observed the government in action.

Ms. Batory left this meeting with a clear understanding of the developmental process, how it functions, and how it can be improved. The other participants left with an understanding of what happens in Poland and how New Jersey compares.

Source: Gary L. Montroy
Construction Official
Mahwah Township

South Brunswick

We should feel very proud that New Jersey was chosen out of 19 states to host 3 of the 28 Eastern European Visitors who came to the United States. The Participant Training Program for Europe was funded by the United States Agency for International Development and sponsored by the National Association of Home Builders. Most of Europe's building codes have been in place since World War II and are quite outdated and inefficient. This program was designed to expose the visitor to the American process with the potential for change in the future.

The experience of having an international visitor is exciting and fun. The people at BOCA did a great job of finding compatible officials. In my situation, I was fortunate to have Winicjusz Kulej, a 34-year-old municipal architect, the rough equivalent of a building official for the Town of Wodzislaw, Slaski, Poland. Winicjusz is also a registered architect in Poland doing design work and projects to supplement his municipal salary. My guest was married and the father of a 4-year-old son and a 2-year-old daughter.

In Poland, only the building portion of construction is reviewed and inspected. The local utility company performs the electrical review, whereas plumbing and fire inspection are self-regulated by the installer.

Because my guest is a licensed architect, he was very interested in the way buildings are designed and constructed in New Jersey. His interest in the administrative side of code was minimal, because the legislation process is different in Poland.

The Polish people do not use wood as we do. All buildings are stone and/or masonry, and the interior walls are brick with plaster. The roofs are framed with rough hewn wood and then clay tiles, slate or other materials are used to provide weather protection. Some use wood for trim pieces. The nation of Poland does not have the industrial base for the processing of real lumber, manufactured lumber or other building materials. It also does not have the transportation infrastructure to ship the manufactured products. The major reason for the lack of wood products or "American" techniques in Poland is the cost of the materials and their installation. Masonry is used because it is inexpensive, strong, and it can be done by just about anyone. There are no special handling requirements, and they can build part of a building and leave it for months without fear of damage by the elements. With the average monthly salary being equal to \$250.00 to \$350.00 American dollars, it is not hard to understand that most of the population cannot build a home all at one time. According to Winicjusz, it might take up to 10 years to build your own home with the cost being between \$60,000.00 to \$70,000.00 due to the high interest rates. This is the main reason many of the people of Poland live in large apartment complexes.

Winicjusz could not believe the variety of styles and sizes of homes in New Jersey and how they were constructed from wood. He was also amazed by the car and truck traffic on the highways. We drove all over North Jersey looking at homes, apartments, and the countryside, taking photographs and video all along the way. We visited New York City, up and down 5th Avenue, to look at the sites, the churches, stores, and New York Architecture; then down into the Italian and Chinatown sections of the City, and finally into the 2nd Avenue Polish/Russian sections.

The first workday at the office was interesting for all. We toured the building with introductions all around at the various municipal offices. "Vinny" was given a few sets of plans to review and take notes of any questions he might have. Following the question/answer session, we went over the operation of the Department with an explanation on the State of New Jersey Uniform Construction Code, the use of the standard forms, and the procedures used by staff. He spent the morning of the next day with the Building Subcode Plan Reviewer and the afternoon with the Director of Planning. First was to see the process of how a plan is reviewed here in New Jersey, what is reviewed, what information we need for a submittal, how we use the Code in our review process, etc. We then spent the remainder of the day with the Director of Planning going over the Planning, Zoning and Master Plan of South Brunswick and the New Jersey Municipal Land Use Law. In the evening we went to a Township Committee meeting the Mayor and other elected officials. The next day was spent doing field building inspections with two building inspectors. The following morning was spent with the Plumbing and Electrical Inspector in the field. Before lunch, there was a tour with the plant

engineer of the Dow Jones Information Systems buildings and the newspaper printing plant in South Brunswick. From there we went to the Blackstone Lumber Company and toured their stair division facility where they manufacture all types of stairs. Then on to their window and door division facility where they assemble all the doors and windows they manufacture. We ended the day at their lumber yard where they ship over 85 truckloads of anything and everything you need to build a home. Everything comes in by rail and leaves by truck, which amazed him. After a good breakfast on the last day, I saw Winicjusz off at the airport at 9:30 AM.

The experience was one I will never forget, and I hope he feels the same.

Source: Anthony Lombardo
Construction Official
South Brunswick Township

Radon — New Jersey's Largest Environmental Threat

In a new initiative to increase public awareness of radon, the New Jersey Department of Environmental Protection (NJDEP) has been working to establish a partnership among key statewide organizations, businesses, non-profit organizations, and local communities to work together in radon awareness activities.

"Although radon is no longer making headlines, it remains the most hazardous of environmental pollutants," said NJDEP Commissioner Robert C. Shinn, Jr. "It causes 14,000 lung cancer deaths nationally according to U.S. Environmental Protection Agency estimates, and up to 500 deaths in New Jersey each year."

Numerous health organizations, including the American Lung Association, the Surgeon General, American Medical Association, Centers for Disease Control, and National Cancer Institute, have endorsed the need for immediate action in homes with high radon levels.

The NJDEP will provide informational materials, posters, radon lesson plans for teachers of grades 6-12, speakers, consultation on organizing activities, videotapes and slide shows, and access to scientific expertise, to organizations and communities participating in the outreach program.

Radon is a radioactive gas generated by naturally occurring radium in the soil. Although radon is found in greater concentration in the northwest and central sections of New Jersey, it occurs throughout the state. Therefore, it is advisable for all New Jersey homeowners to test their homes for radon.

Information on testing can be obtained from the NJ Department of Environmental Protection (NJDEP) Radon Information Line, 1-800-648-0394. Inexpensive test kits can be purchased directly from New Jersey certified radon businesses, hardware stores, a number of local health departments, or from the National Safety Council at 1-800-SOS-RADON.

Fortunately, radon is a problem that can be readily solved. The NJDEP has certified a number of contractors who can install mitigation systems that reduce radon to acceptable levels, for costs ranging from \$500 to \$2,000 depending on the type of house and

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system used. The NJDEP will also provide post-mitigation tests and inspections to ensure that systems are operating effectively.

Outreach activities by participants can range from placing posters in public areas to organizing events drawing attention to radon. If your organization would like to become involved, contact Judy Morgan, Radon Outreach Coordinator, DEP Bureau of Environmental Radiation, CN-415, Trenton, NJ 08625, 609-987-6400 for further information.

Source: Judy Morgan
Outreach Coordinator, Bureau of Environmental Radiation
Department of Environmental Protection

The Price Is Right

I recently spoke before a group of contractors in an exchange of ideas to make code enforcement better. I went prepared to hear stories that centered around varying code interpretations. I was surprised to hear that the contractors had a major concern about the way that building inspectors affected the contractor/customer relationship.

Specifically, the contractors objected to inspectors making remarks about the price of the job in front of the homeowner. This leaves the homeowner angry at the contractor, feeling like he/she "got ripped off," which makes the contractor mad at the inspector because the inspector made him/her "look bad" in front of the home owner. Although there are no rules against stirring up bad feelings in the UCC, it does not lead to a very constructive environment.

There has been a lot of emphasis on professionalism in code enforcement. Part of being a professional means focusing your attention on the job at hand. The limit of your responsibility is to make sure that the homeowner gets a code conforming job. Though DCA is often mistaken by the public as the Division of Consumer Affairs, you need not and probably should not meddle in the relationship between customer and contractor.

Source: Michael Baier
Bureau of Technical Services

Minor Work — It Does Exist

Believe it or not, the concept of minor work is alive and well in the Uniform Construction Code, although it appears to be generally avoided by local enforcing agencies. Whether you personally agree or disagree with the procedure, you are expected to follow it as outlined in *N.J.A.C. 5:23-2.17A*.

A minor work log should be kept in order to track individuals who notify your office either personally or by phone of their intention to perform minor work. If you are not available, applicants are permitted to leave notice with the municipal clerk. The applicant is then permitted to start and sometimes complete the work without having a construction permit. The log you keep will help you ensure the permit application is submitted within the required 5 business days of notice. No plans are required for minor work.

The type of work which is deemed 'minor work' is referenced in *N.J.A.C. 5:23-217A(c)1,2,3*, and 4. An inspection is required within 30 days of notice and the results of the inspection are based on what is visible. If you have any questions about this, please call the Bureau at (609) 530-8862.

Source: Gerald Grayce
Bureau of Regulatory Affairs

EDITOR'S NOTE:

The following letter was sent to all municipalities in September 1994. It is being provided here for information to all code officials and subscribers to the Construction Code Communicator.

September, 1994

Dear Construction Official:

Since the adoption of the 1993 BOCA National Building Code, the section on swimming pool alarms (421.10.1-9.1) has caused a great deal of confusion. This section required the alarm to sound immediately after the door is opened and required the alarm to be temporarily deactivated, from either direction, by the use of a touchpad or switch. This product does not exist and the only way to comply was with a custom designed alarm system.

At the recent BOCA Code Change Hearings the Department supported code change B37-94 which states:

421.10.1 Outdoor private swimming pool: (No change).

9.1 All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The audible warning shall commence not more than 7 seconds after the door, and its screen, if present, are opened and shall sound continuously for a minimum of 30 seconds. The alarm shall . . . [No change to remainder of the section.]

This code change was approved by the BOCA membership on September 21, 1994.

In addition, the Consumer Product Safety Commission also supported this code change. I have printed their response on the back of this letter.

Although the approved code change is not official until New Jersey adopts the 1996 BOCA National Building Code, the Department supports the use of this provision immediately.

If you have any questions, please contact the Code Assistance Unit at 609-530-8793.

Sincerely,

William Hartz
Chief
Bureau of Technical Services

New Seminars — 1995

During the fall season several new seminar proposals have been submitted for review and evaluation for 1995. The review committee consists of Marge McDonald and Carolyn Golojuch from Rutgers University and Bill Hartz and Susan McLaughlin of Department of Community Affairs.

This year volunteers were requested from the Associations to enhance the committee structure. Two new names were added - Ron Robinson representing the Municipal Electrical Inspectors' Association of NJ and John Josephs representing the Building Officials' Association of NJ. We were very pleased to have them add their technical expertise to our review process. Special thanks also goes to the Associations for recommending the candidates.

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

Using UCCARS

A new enhancement to the UCCARS system is now available, just in time to help with your year-end budgeting and reporting requirements. Called 'SUMMARY', the enhancement scans your entire UCCARS database and summarizes your department's code enforcement activity for the past year. It could also be used for year-to-date summaries, quarterly summaries, or for comparisons of past-year activity with prior years.

SUMMARY generates the following summary reports from your UCCARS data:

- Fee summary categorized by subcode, DCA, and certificate fees.
- All certificate fees combined from both permit and certificate logs.
- Total permits and certificates issued by type of work, subcode, etc.
- Square and cubic footage, value of construction, and housing unit statistics.
- Summary of UCC and non-UCC fees collected (includes all non-UCC sources, not just the first five).
- Inspection statistics by inspector and subcode.
- Totals for the above items.

You can select any or all of the above summaries, and direct the summary reports to your printer or just display them on the screen. SUMMARY has been developed for use with both System I and System II. If you have not received your free disk you can request one by calling or faxing your request, including floppy size, to 908-889-6666.

Source: Stan Kosciuk
President, Municipal Information Systems

Upcoming UCCARS User Seminars

Twice as many municipalities have converted to System II than were originally projected. What do they have in common? What can System II do for you? How would it affect your operation? If you are considering it, is System II right for your department?

These and other questions will be answered in the next series of UCCARS support seminars now being planned for 1995. The seminars covering both System I and System II topics will be conducted by several of your peers and DCA and MIS representatives. Control persons who are actually using the system will be discussing their experiences with you.

This is your chance to hear how System II works, not just from an academic presentation, but directly from users' perspectives. Learn why some municipalities' fee schedules work well with System II and why some do not; or what work habits are required of your office staff in order to get the most from System II.

Whether your office uses System I or System II, or if you just want to learn about UCCARS, plan to attend one of these seminars. Find out how other offices handle problems that you've encountered but that are not in the book. You will be receiving announcements and enrollment instructions from DCA.

Source: Stan Kosciuk
President, Municipal Information Systems

Inspection Requests

With the beginning of the 1990s the number of permits issued by the Department of Inspections in Mahwah was down drastically. This caused the Township Council to cut the staff of the Department in half.

All part time inspectors, two building inspectors, the Building Subcode Official, and five clerical positions were vacated, with all but the Building Subcode position being removed from the organizational chart. This left the Department with two clerical people and one person for each subcode position.

This year has shown an upswing in the workload of the Department with 197 new single family dwellings, attached and detached, under construction since January. However, the present climate in government is not to increase staff to deal with the increased workload. This has forced us to come up with other ways of improving our productivity without increasing personnel.

During discussions with local builders the thought was expressed to allow the faxing of inspection requests to the Department. This would replace calling in the inspections and tying up the control person on the phone. One of the problems that we found with scheduling inspections is not getting all of the required information from the person calling. We found that a builder seldom has the permit number, the street address, or other information needed to make the inspector's job easier. When the control person refuses to schedule the inspection she is subjected to unending arguments.

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By faxing in the requests we have found that the information is much more complete. We started this experiment by handing out directions on the type of information that the request must have in order to be placed on the daily work sheet. This has eliminated approximately half of the phone calls received and has significantly limited the length of the phone calls that we do receive.

Requests tend to be more complete and more readily transferable to the inspectors' daily work sheets. We are able to continue to accept faxed inspection requests up to 8:00 AM in the morning. This allows the contractors to better plan their day and to do their scheduling after normal business hours when they have a better handle on what they can expect to accomplish the next day.

This has also allowed us to deal with those contractors who think that they have scheduled inspections but forgot to fax it in. We keep a record of each fax we receive in a separate file to enable us to check back on each request when someone calls to complain that they didn't get their inspection. This has eliminated a great deal of argument on both sides.

I have found that this is a "win-win" system for everyone. It has improved our productivity without adding to the cost of the operation of the Department and has enabled us to improve our time management during the working day. It has also provided a more feasible operation that is much more convenient to the builders.

Source: Gary Montroy
Construction Official
Mahwah Township

Elevator Inspection Notice

On September 6, 1994, regulations were adopted with an operative date of January 1, 1995, stating, "On or after January 1, 1995, no person shall work either as an elevator inspector or as an elevator subcode official under the provisions of *N.J.A.C. 5:23-5.4(g)* who does not hold an Elevator Inspector HHS License, and Elevator INSpector Certification or an Elevator Inspector Interim License."

If you have questions call the Licensing Unit at 609/530-8803.

Source: William Hartz
Chief, Bureau of Technical Services

Permit Extension Act Extended

Governor Whitman signed the extension order of the Permit Extension Act on November 30, 1994. Scheduled to expire on December 31, 1994, the extension would make the Act effective until December 31, 1996. The construction permits issued under N. J. Uniform Construction Code on or after January 1, 1989, and those issued before January 1, 1989 but were valid on or after this date, shall remain valid until December 31, 1996. Many builders and homeowners can still avail themselves of this opportunity to utilize their construction permits.

If there is any question concerning the Permit Extension Act please call the Code Assistance Unit at 609/530-8793.

Source: Farid Ahmad, P.E.
Code Assistance Unit
Bureau of Technical Services

Transmittal 34

As you are aware, the Department will now be mailing four (4) transmittals per year as updates to the Uniform Construction Code. Transmittal 34 will be mailed shortly. This update will:

1. amend the requirement on existing doors concerning increase in size. *N.J.A.C. 5:23-2.5 (a) 3.*
2. amend the requirement for reinspection of cross connections and backflow preventers to 12 months. *N.J.A.C. 5:23-2.23(i)4.*
3. amend the definition of backflow preventers as a special device as only those with double check valve assembly, reduce pressure zone, and pressure vacuum breakers. *N.J.A.C. 5:23-4.20 (c) 2 ii (2).*

Source: William Hartz
Chief, Bureau of Technical Services

Interesting Information

The following information was compiled by the Director's office based on an inquiry on licensed female code officials. The following numbers represent women who are licensed in code enforcement. They do not represent women working in code enforcement.

There are currently 4,482 licensed individuals in NJ of which 47 are female. Of those 47 out of 4,482 licensed females, there are:

- 39 out of 2,217 female building inspectors
- 3 out of 838 female electrical inspectors
- 2 out of 1,091 female fire protection inspectors
- 4 out of 885 female plumbing inspectors
- 1 out of 182 female elevator inspectors

Of those there are:

- 10 out of 1,241 female building subcode officials
- 1 out of 555 female electrical subcode officials
- 2 out of 825 female fire protection subcode officials
- 1 out of 651 female plumbing subcode officials
- 1 out of 118 female elevator subcode officials

Of those there are:

- 10 out of 1,962 female construction officials

Source: Susan Peters Woidill
Director's Office
Division of Codes and Standards

Construction Activity

As you know most construction activity is electronically sent to the DCA at the beginning of each month. This information is a valuable economic indicator since construction is so vital to our economy. The following "Top 10" lists are just for your information. The first list is by number of permits and the second is based on the value of construction. The time period for this information is 7/1/94 to 9/30/94.

Top 10 Number of Permits

| | |
|------------------------|------|
| 1. Berkeley Twp | 1300 |
| 2. Hamilton Twp-Mercer | 1218 |
| 3. Trenton | 1111 |
| 4. Brick Twp | 1056 |
| 5. Cherry Hill | 858 |
| 6. Lacey Twp | 803 |
| 7. Newark | 797 |
| 8. Wayne Twp | 644 |
| 9. Sayreville | 633 |
| 10. East Brunswick | 628 |

Top of Value of Construction

| | |
|----------------------|---------------|
| 1. Paterson | \$193,826,462 |
| 2. Delran | \$48,474,107 |
| 3. Morristown | \$44,783,008 |
| 4. Atlantic City | \$43,861,187 |
| 5. Monroe Twp (Glou) | \$34,395,143 |
| 6. Evesham Twp. | \$33,331,933 |
| 7. Paramus | \$ 30,828,634 |
| 8. Warren Twp (Som) | \$ 25,627,174 |
| 9. Brick Twp | \$19,987,784 |
| 10. West Windsor Twp | \$19,406,368 |

Source: Larry Wolford
Bureau of Code Services

New Jersey Register Adoptions

| Date | Adoption |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/5/94 | 26 <i>NJR</i> 4760(a) Notice of Administrative Correction Asbestos Safety Control Monitor <i>N.J.A.C.</i> 5:23-8.11. |
| 12/19/94 | 26 <i>NJR</i> 5007(a) Notice of Administrative Changes Municipal Enforcing Agencies — Establishment <i>N.J.A.C.</i> 5:23-4.3. |
| | 26 <i>NJR</i> 5007(b) Radon Hazard Subcode Adopted Amendments: <i>N.J.A.C.</i> 5:23-10.1, 10.3, and 10.4, effective 12/19/94, operative 4/1/95. |

NOTE:

The Fall 1994 Communicator, on register adoptions, contained a typographic error. The first item should have read: 26 *NJR* 2779(c) Notice of Administrative Change,

Source: E. Maria Roth
Code Assistance Unit

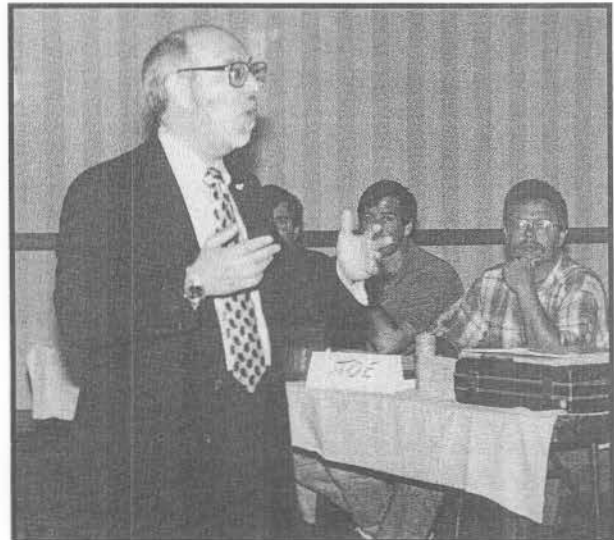
1994 Seminars

It has been another outstanding year for continuing education in the New Jersey Uniform Construction Code. Shown here are two popular instructors.



Jack Boekhout's seminar, "From Plan Review through Certificate of Occupancy," was a very successful multimedia program. This seminar offered many solutions and suggestions to the various code enforcement problems all inspectors face.

John Rekus was an instructor for four different programs during 1994. They were "Practical Aspects of Indoor Air Quality," "Safety Requirements for Confined Spaces," "NEC Article 500 — Hazardous Locations," and "Spray Finishing — Code Requirements and Inspection Techniques." The evaluations were extremely positive for this multi-talented, dynamic instructor.



The People You Talk To

About 1100 calls come into the Code Assistance Unit every month. We thought you might like to see the people you talk to.



Standing (left to right), John Terry — Code Specialist; E. Maria Roth — Code Specialist; Ashok Mehta — Code Specialist; and Michael Baer — Code Specialist. Sitting (left to right), Cecilia Heredia — Head Clerk, Publication Unit; Farid Ahmad — Supervisor, Code Assistance Unit; and Mary Howard — Senior Clerk Typist.

Happy New Year!