

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Adopted Amendments: N.J.A.C. 5:23-2.8, 2.14, 2.17A, 2.20, 3.4, 3.18, 3.21, 3.22, 4.5, 4.6, 5.3, and 5.21

Proposed: April 18, 2011 at 43 N.J.R. 904(a).

Adopted: September 7, 2011 by Lori Grifa, Commissioner, Department of Community Affairs.

Filed: October 6, 2011 as R. 2011 d.269, **with substantial and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.30).

Authority: N.J.S.A. 52:27D-124.

Effective Date: November 7, 2011.

Expiration Date: June 13, 2015.

Summary of Public Comments and Agency Responses:

Comments were received from: David T. Phelan; Robert C. Ring, President, Meyer & Depew Co., Inc.; and Eric DeGesero, Executive Vice President, the Fuel Merchants Association of New Jersey.

N.J.A.C. 5:23-2.14(b)3 Emergency work

COMMENT: The commenter asked that the replacement of HVAC systems, for example the replacement of an air conditioning system, be listed as emergency work at N.J.A.C. 5:23-2.14(b)3.

RESPONSE: Emergency work is not listed or defined in the rules. Therefore, the rules do not preclude categorizing the replacement of an HVAC system as emergency work.

N.J.A.C. 5:23-2.17A Minor work

COMMENT: The commenter supports the proposed rule language making it clear that HVAC work may be categorized as minor work.

RESPONSE: The Department thanks the commenter for this expression of support.

COMMENT: A commenter suggested that the rule be clarified to state that a project may still be categorized as minor work even if it involves multiple trades.

RESPONSE: The Department agrees that the rule was intended to apply regardless of whether there are multiple trades involved. Clarifying language is not needed; the rule specifies the replacement of the equipment, but does not limit this work to a single trade. If there is confusion on this point as the adopted rule is enforced, the Department will publish a newsletter article or take other steps to clarify this point.

COMMENT: The commenter noted that the proposed rule to include the replacement of low pressure boilers, warm air furnaces, air conditioning units, and air conditioning condensing units under minor work has both benefits and detriments. While the proposed rule would allow this work to proceed without the need to obtain a permit in advance, because the rule allows up to 30 days for the inspection of minor work, it may delay payment of the contractor.

RESPONSE: Under rules adopted by the Department of Law and Public Safety and enforced by the Division of Consumer Affairs, N.J.A.C. 13:45A-16.2(a)10ii, final payment may not be requested of the homeowner until a final inspection is performed. The Department recognizes the problem that this may present for contractors performing minor work, but this is as the result

of rules adopted by another department for the protection of consumers. If awaiting payment until the inspection is made is a hardship for the contractor, then the contractor should apply for a construction permit before beginning the job, rather than categorizing the project as minor work.

N.J.A.C. 5:23-2.18 Inspections

COMMENT: The commenter advocates adding a rough sprinkler inspection as a required inspection.

RESPONSE: This suggestion is outside the scope of the notice of proposal. (There were no proposed amendments to the inspection requirements.) The Department will seek the input of the Uniform Construction Code Advisory Board and of the Fire Protection Subcode Committee on this suggestion and may go forward with a new proposed amendment to add a required inspection based on their advice.

N.J.A.C. 5:23-2.20 Tests and special inspections

COMMENT: A commenter expressed concern that, under the proposed rule, the HVAC contractor now is required to complete the chimney certification/chimney verification.

RESPONSE: In the proposed amendments, the terminology is being changed from “certification” to “verification” and the “in lieu of removing the vent” language is being moved. The form is required to be submitted as part of the permit application, but the proposed rule does not address who completes the form. This remains unchanged.

N.J.A.C. 5:23-3.4 Responsibilities

COMMENT: One commenter applauds the joint (plumbing and fire) assignment of inspection responsibility for P2904 sprinkler systems.

RESPONSE: The Department thanks the commenter for this expression of support.

COMMENT: The commenter suggests that there should be joint responsibility for multipurpose systems installed under National Fire Protection Association (NFPA) 13D. Such systems are allowed as an option under the one- and two-family dwelling subcode.

RESPONSE: The Department agrees. A note has been added upon adoption indicating that the same assignment of enforcement responsibilities established for systems installed in accordance with P2904 applies for multipurpose systems installed in accordance with NFPA 13D.

Summary of Agency-Initiated Change:

N.J.A.C. 5:23-4.5(b) has been changed, upon adoption, to change the name of Uniform Construction Code standard form F-370 from "Chimney Certification for Replacement of Fuel Fired Equipment" to "Chimney Verification for Replacement of Fuel Fired Equipment." This change is made to match the change to the name of the form contained in the adopted amendments to N.J.A.C. 5:23-2.20(d).

Federal Standards Statement

No Federal standards analysis is required because these amendments are not being adopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or State statute that incorporates or refers to a Federal law, standards, or requirements.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks *[thus]*):

5:23-3.4 Responsibilities

(a) The enforcement responsibilities of the adopted subcodes are as follows:

1. - 5. (No change from proposal.)

6. One- and Two-Family Dwelling Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
Ch. 3	Building Planning		
	...		
	313	Fire ^{*I*}	Fire ^{*I*}
	...		
...			
Ch. 29	Water Supply and Distribution ^{*I*}		
	...		
...			
Note 1: For multi-purpose systems installed in accordance with NFPA 13D, the assignment of enforcement responsibilities shall be the same as the assignment of enforcement responsibilities for systems installed in accordance with P2904.			

7. – 9. (No change from proposal.)

(b) – (d) (No change.)

5:23-4.5 Municipal enforcing agencies—administration and enforcement

(a) (No change.)

(b) Forms:

1. (No change.)

2. The following standardized forms established by the Commissioner are required for use by the municipal enforcing agency:

...

F-370 Chimney *[Certification]* ***Verification*** for Replacement of Fuel Fired Equipment

...

3. – 5. (No change.)

(c) - (k) (No change.)