

NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS



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The following is from the 2003 annual issue of the New Jersey Construction Reporter, a publication by the Department of Community Affairs that examines construction statistics from building permits and certificates issued by building officials throughout the State. For a complimentary issue, please call John Lago at (609) 292-7898, or e-mail him at jlago@dca.state.nj.us.

2003 Highlights of the *New Jersey Construction Reporter*

This was a good year for New Jersey's construction industry. A strong housing market and State buildings sustained the industry's performance. State buildings refer to a category of construction that includes structures built by State governmental agencies or any of its instrumentalities, like transit and highway authorities, and State colleges and universities. School construction also had a featured role. But, the lead story was the way New Jersey's housing industry performed, especially in the State's big cities.

Estimated construction costs authorized by building permits were \$12.1 billion. This was about the same as last year (0.6 percent more). In real terms, assuming prices grew by 2.3 percent, estimated construction costs declined by 1.7 percent compared to last year.

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Fire Alarm Systems, Bulletin No. 94-6

This article is intended to be a heads up for electrical subcode officials and inspectors. Bulletin No. 94-6, entitled "Fire Alarm Systems," comments on plan review and inspection responsibilities for both electrical and fire protection subcode officials. The bulletin points out that plan review is shared between both subcodes, and both subcode officials are required to perform inspections. Electrical subcode officials are required to inspect wiring and wiring location, power supply for the panel, etc. Fire subcode officials are required to inspect the location of the detectors and perform the final acceptance test.

Discussions with some electrical subcode officials indicate that most officials are in fact inspecting the 110V circuitry for fire alarm systems; however, the low-voltage fire alarm systems are another matter.

Low-voltage fire alarm systems require the same inspection as one would perform for 110V circuitry, utilizing Article 760 of the 2002 edition of the National Electrical Code. The wiring is required to be inspected by the electrical subcode official. If you haven't been doing so, now is the time to start.

If you have any questions, please call me at (609) 984-7672.

Source: Gerald Grayce
Office of Regulatory Affairs



James E. McGreevey
Governor



Susan Bass Levin
Commissioner

New Jersey Register Adoptions

Date: April 5, 2004
Adoption: 36 *N.J.R.* 1753(a)
Summary: These adopted amendments establish requirements for the submittal of prototype plans, make changes to the conditions for plans to qualify as prototype plans, clarify the information needed to obtain permits based on the prototype plan filing, and extend the possibility of prototype plan review to structures that are to be built repeatedly in different municipalities throughout the State. In addition to establishing clear standards for prototype plan submittal, these adopted amendments also establish fees and time frames for the issuance of permits based on a released prototype, both by the Department of Community Affairs and by the municipality.

Date: April 5, 2004
Adoption: 36 *N.J.R.* 1755(a)
Summary: These adopted amendments assign enforcement responsibilities for the 1995 edition of the Council of American Building Officials Model Energy Code, which references the 1999 edition of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1, to building, plumbing, or electrical subcode officials, as appropriate. In addition, these adopted amendments provide a cross-reference to the Building Subcode for permitting requirements for the construction of "hoophouse" or "polyhouse" structures.

Date: April 5, 2004
Adoption: 36 *N.J.R.* 1757(a)
Summary: This adopted amendment makes an administrative correction at *N.J.A.C.* 5:23-3.11(j)6 to replace the reference to "Group R-4" with "Group R-5" for consistency with the definition in the Building Subcode of the Uniform Construction Code (UCC).

Date: April 5, 2004
Adoption: 36 *N.J.R.* 1757(b)
Summary: These adopted amendments provide that the only accepted standards for modular construction in the State are the adopted subcodes of the UCC.

Date: April 5, 2004
Adoption: 36 *N.J.R.* 1758(a)
Summary: These adopted amendments update the provisions of the Rehabilitation Subcode and incorporate changes resulting from the adoption of the 2000 edition of

the International Building Code as the Building Subcode of the UCC.

Date: May 17, 2004
Adoption: 36 *N.J.R.* 2490(a)
Summary: This amendment readopts *N.J.A.C.* 5:12, "Ski Lifts," without change.

Date: May 17, 2004
Adoption: 36 *N.J.R.* 2490(b)
Summary: This adopted amendment makes administrative corrections in the Rehabilitation Subcode at *N.J.A.C.* 5:23-6.3, 6.8, and 6.24A. The adopted amendment at *N.J.A.C.* 5:23-6.3 corrects a typographical error in the definition of "UFC fire barrier." The adopted amendment at *N.J.A.C.* 5:23-6.8 deletes a duplicate cross-reference. Finally, the adopted amendment at *N.J.A.C.* 5:23-6.24A deletes a reference to "Automatic Fire Sprinkler System."

Date: June 7, 2004
Adoption: 36 *N.J.R.* 2733(a)
Summary: The adopted amendments at *N.J.A.C.* 5:18-1.6, "Container Markings," set forth requirements for the size and color of lettering for emergency contact information on liquefied petroleum (LP) gas containers. *N.J.A.C.* 5:18-6.4, "Submittal of Notice of LP-Gas Installations," contains requirements for notifying the Bureau of Code Services of LP-gas installations when plans are not required. *N.J.A.C.* 5:18-10.1, "Licenses Required," amends the insurance requirement for license holders to provide for consistency with the Federal Motor Carrier Safety Administration.

Date: June 21, 2004
Adoption: 36 *N.J.R.* 3055(c)
Summary: The adopted amendments to *N.J.A.C.* 5:11 are the result of the recodification of *N.J.A.C.* 5:40, the Relocation Assistance and Eviction rules, to *N.J.A.C.* 5:11, and reflect the transfer of the Relocation Assistance Program to the Division of Codes and Standards. The adoption also includes editorial amendments.

Source: Megan K. Sullivan
 Code Development Unit

Discount on National Standard Plumbing Codes

In our continuing effort to negotiate with the organizations that publish our adopted codes, the Plumbing-Heating-Cooling Contractors Association (PHCC), publisher of the National Standard Plumbing Code (NSPC), has agreed to provide municipalities with a "member" price for the 2003 NSPC, both the non-illustrated and the illustrated versions.

To receive the discount, the municipality must submit a request on official municipal letterhead and include the inspector's name(s), along with a purchase order or check made payable to PHCC. Each municipality will be entitled to up to four code books at the member price.

Please call PHCC at (609) 499-8070 for the member price, and for shipping and handling charges.

Your order should be mailed to:

PHCC-NJ
1305 MAPLE AVENUE
ROEBLING, NEW JERSEY 08554

ATTENTION: DENISE VOORHEES, EXECUTIVE DIRECTOR

Should you have any questions, you may contact me at (609) 984-7609.

Source: Thomas C. Pitcherello
Code Assistance Unit

Experior Has a Second Testing Site

As was promised when the administration of the exams offered by Experior for the National Certification Program for Construction Code Inspectors (NCPCCI) was moved from Prometric, Experior has opened a second testing site in New Jersey.

The address of the site is 1168 White Horse Pike, Hammonton. Directions may be found on the Experior web site, www.experioronline.com.

If you have questions about licensing requirements, please contact the Licensing Unit at (609) 984-7834. If you have questions about the exams themselves, please contact me at (609) 984-7609.

Source: Emily W. Templeton
Code Development Unit

UCC Construction Permits and Septic System Prior Approvals

While continuing to work together with the New Jersey Department of Environmental Protection (DEP), it has been brought to the attention of the Department of Community Affairs (DCA) that local construction permits are being issued without prior approvals, or are inconsistent with approvals from the local health agency (county or municipal) for projects that are connected to septic systems for new construction, new additions, changes of use, or alteration work that increase bedroom counts. Local health agencies administer the rules for septic systems (properly called "individual on-site sewage disposal systems").

There have been a number of situations where homes or other buildings with existing septic systems are expanded in a way that violates either the septic system rules or the Uniform Construction Code (UCC) because of interplay between the two sets of rules. This occurs when either the municipal or county board of health or the UCC officials do not ensure that both sets of rules are satisfied before construction permits are issued.

In collaboration with the DEP, the DCA is seeking to remedy these problems by reminding UCC officials of their duty to require septic system approvals prior to issuing a construction permit for new construction to be served by septic systems. (As a reminder, this topic is discussed in DCA Bulletin No. 79-7, "Septic Systems," which was revised in May 1995. This bulletin reminds UCC officials to carefully compare the septic system approval with the building it serves to ensure the septic system is properly sized.) This issue continues to be a problem if, after an existing building has been expanded, altered, or has had its use changed, it is discovered that the septic system is no longer sufficient for that particular building. This is extremely problematic when there is insufficient room on the property to expand the system, causing a financial hardship on unsuspecting owners.

When you receive a construction application for any property served by a septic system, some quick rules of thumb to help identify potential problems are:

- 1) Check to identify any increase in the footprint of the building, including raised portions of the structure that are enclosed or could impede access to the septic system. These additions could violate the maintenance of setbacks from the septic system.
- 2) Check the reconfiguration of a home when the construction increases the number of bedrooms. Include rooms that could reasonably be anticipated to be used as a bedroom. Any rooms that are finished

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in an expansion attic would also require expansion of the septic system.

3) Be aware that any UCC construction application that includes a proposal to install a garbage grinder must be accompanied by an approved design for a septic system for which a garbage grinder has been included. These types of systems are required to have septic tanks sized 50 percent greater and disposal areas 25 percent greater than systems without garbage grinders. Similar requirements may be applied to buildings that propose to use sewage ejector pumps. It is important that the local health department be consulted when garbage grinders or ejector pumps are included in the plan approval.

4) Beware that any increase in the square footage of a commercial property or any substantial changes in use (e.g., a change from a retail space to a restaurant, school, or laundromat) could require an expansion of the septic system. You should alert the local health department when you are aware of such a situation.

Please take special care to review all applications for construction permits involving existing properties that use septic systems for sewage disposal. Prior to issuing a construction permit, you should contact the applicable municipal or county board of health that has jurisdiction over septic systems in your area to determine if there is, or if there could be, a problem. The municipal or county board of health is required to sign a Certificate of Compliance stating that the construction plans conform to the septic system standards prior to the issuance of a Certificate of Occupancy. Remember, it is the responsibility of both agencies -- not one agency or the other -- to review plans for compliance. Because the local code office is the first point of contact, the code official should ensure that prior approval is met. By being proactive and consulting with the health department prior to issuing construction approvals, all parties will know the information that is required prior to problems arising.

By maintaining dialogue between the State agencies, and continuing a collaborative outreach to all building and health officials, we hope to make everyone's job a little easier. If you have any questions, please contact the Code Assistance Unit at (609) 984-7609 or the DEP's Bureau of Nonpoint Pollution Control at (609) 292-0407.

Sources: Thomas C. Pitcherello
Code Assistance Unit
and
Mark Miller
DEP, Bureau of Nonpoint Pollution Control

Building Stats Used to Determine Affordable Housing Numbers

Every ten years, the U.S. government conducts a nationwide census to count people, and to compile important information on where and how we live. In between the decennial censuses, we rely on a variety of indicators to measure population change and to discern trends in settlement patterns. Building permits are a vital resource for this initiative. They are a barometer of an important sector of the economy, the construction industry, and they help us to gauge what is being built and where. Economists, planners, demographers, utility companies, and school administrators are among the users of the important information provided through building permits each month.

Now there is a new user of building permit data. Have you ever heard of the Council on Affordable Housing (COAH)? COAH knows about your work as construction officials and technical assistants. Newly proposed COAH rules would use construction data to determine each town's affordable housing obligation. This data is arguably the single most important housing number in New Jersey. Its derivation depends on construction data from your monthly reports. The new COAH rules propose to link directly how much affordable housing a town would be required to have to the amount of development it allows.

Background

Every municipality in the State must have planning and zoning regulations that allow for its fair share of regional affordable housing needs. COAH was created by the Fair Housing Act of 1985 to determine *fair-share housing obligations*. A series of New Jersey Supreme Court rulings, collectively referred to as the *Mount Laurel* decisions, defined and affirmed this responsibility.

COAH has proposed a significant change in the way it assigns how many affordable houses a municipality must allow for. Under consideration is a two-tiered formula that bases affordable housing obligation on the amount of development in a community. COAH calls this its growth-based methodology. The first part of the formula stipulates an obligation of one new, affordable house or apartment for every ten new, market-rate units. The second part bases the obligation on the number of new jobs created — one affordable dwelling for every 25 jobs. How are these figures calculated? From Certificate of Occupancy (CO) reports submitted by local construction offices.

COAH will rely on housing COs to determine the first part of the formula. Refinements in the construction reporting software will be made to allow construction officials to distinguish affordable dwellings from market-rate houses. This will mean construction officials will have

to report when a CO is issued for an affordable dwelling and when one is issued for a market-rate unit. The second part of the calculation also relies on COs. It looks at the square footage of nonresidential buildings and makes certain assumptions about job growth that vary by nonresidential building uses. For example, the proposed COAH rules assume that a new office building, which is classified as a “B” use or business use, generates three jobs per 1,000 square feet. A one-million square-foot office tower means 3,000 new jobs. After applying the 1:25 rule, this would mean an affordable housing obligation of 120 units.

How this Affects You

There will be a new audience for your monthly construction data. Consider this a compliment to the fine and dependable work you already do. Housing advocates and planners are going to be closely following the COs you issue. It is important to report this information accurately. If you repeat square footage on permit updates, it will cause problems later on when you issue the COs. Don’t double count. It will artificially raise your town’s affordable housing obligation. If you issue a permit for a footing and foundation, and it is your practice to identify only one square foot for this phase of work, be sure that you remember to update the permit and add the balance of the building’s area. Don’t confuse volume with area and mix cubic feet with square feet. Not only will this inflate your building fees, but also under the affordable housing rules currently proposed, it would mean a higher affordable housing obligation. The Department of Community Affairs will be publishing CO data, and making it widely available to planners and housing advocates, so be prepared to have your work reviewed thoroughly.

If you have questions, please feel free to call me at (609) 292-7898, or e-mail me at jlago@dca.state.nj.us.

Source: John Lago
Division of Codes and Standards

Concrete-Encased Electrode In an Addition 

If you are requiring that the rebar in an addition be used as the concrete-encased electrode when no electrical service is being installed or relocated, don’t.

Compliance with the 2002 edition of the National Electrical Code (NEC 2002), Section 250.52(A)(3), “Grounding Electrodes, Electrodes Permitted for Grounding, Concrete-Encased Electrode,” is required for a new electrical service or system.

Uniform Construction Code Bulletin No. 02-2, “Availability of Concrete-Encased Electrodes,” provides information on where and how the electrode must be

installed, as well as the minimum size conductor, as stated in Section 250.52(A)(3).

Where the service is being relocated in an addition and where there is a rebar in the footing in accordance with Section 250.52(A)(3), the concrete-encased electrode is required.

If you have any questions on this matter, you may reach me at (609) 984-7609.

Source: Suzanne Borek
Code Assistance Unit

Construction Code Enforcement and Relocation Assistance

The Relocation Assistance Program was recently transferred to the Division of Codes and Standards for administration. Although many municipalities are aware of the Relocation Assistance Program, others are not. This article intends to provide some basic information on this important program.

The general rule for providing relocation assistance states, “whenever a State agency or unit of local government undertakes a program of building code enforcement . . . that causes the displacement of any person, the said State agency or unit of local government shall provide relocation payments and assistance to all lawful occupants who are displaced . . .” [*N.J.A.C. 5:11-2.1(a)*]. In addition to all lawful occupants, the occupants of overcrowded dwelling units who are required by the municipality to relocate are also eligible for this assistance. The Relocation Assistance Program assists the municipality in bearing the expense of these displacements by reimbursing the municipality up to 50 percent of its costs. The Relocation Assistance regulations specify the maximum amount the State may reimburse to a municipality.

The Relocation Assistance Program is not the only means available to the municipality to recover the costs associated with displacement and relocation. The municipality has two other opportunities to recover these costs. First, the municipality must prosecute the property owner for a penalty. Once it is successful in the penalty case, the municipality can file a lien for the cost of all relocation payments at an interest rate of 18 percent per year. In addition to filing a lien, the municipality may bring a civil action against the owner of the property, including any corporate director, officer, or holder of more than 5 percent of the shares, and may recover relocation costs, interest, and attorney’s fees and costs. When the

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municipality regains its expenses through either of these means, it must make proportional repayments to the State for any Relocation Assistance reimbursements received.

It is important to emphasize that there is a difference between code enforcement actions undertaken pursuant to the Uniform Construction Code (UCC) “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 . . .” [N.J.A.C. 5:23-2.32(b)1] and those where the building has become uninhabitable due to delayed maintenance or conditions that could have been foreseen and prevented. Although the municipality may provide assistance to any resident or tenant who is displaced by the imminent hazard provisions of the UCC, only those displacements made in accordance with N.J.A.C. 5:11 are eligible for reimbursement under the Relocation Assistance Program. This actually means that those displacements that take place under the imminent hazard provisions of the UCC (Standard Forms F242 and F245) are not eligible for reimbursement; those that take place under the unsafe structures provisions of the UCC (Standard Form 421) are eligible for reimbursement.

Because the Relocation Assistance Program operates through the submittal and approval of a Working Relocation Assistance Program (WRAP), and because many of these code enforcement relocations are not predictable, the Department of Community Affairs is working on a process that will better serve the municipalities and the residents who are displaced due to code enforcement issues. More information will be available on that initiative in the future.

In the meantime, if you have questions about the Relocation Assistance Program, please contact Emily Templeton or Megan Sullivan at (609) 984-7609.

Source: Michael Ticktin, Esq.
Chief, Legislative Analysis

Correction to IBC/2000, Section 905.4,

Exception 1

It has been brought to the Code Assistance Unit's attention that, upon adoption of the 2000 edition of the International Building Code, the Department of Community Affairs inadvertently omitted some language from Section 905.4 entitled “Location of Class I Standpipe Hose Connections,” Exception 1. The language that was excluded is “are reachable from exit.”

The exception should read as follows:

1. Where the floor areas adjacent to a horizontal exit **are reachable from exit** stairway outlets by a 30-foot (9,144-mm) hose stream from a nozzle attached to 100 feet (30,480 mm) of hose, a hose connection shall not be required at the horizontal exit.

A Notice of Administrative Correction will appear in the August 2, 2004 *New Jersey Register*. Please mark your code books.

If you have any questions on this matter, please direct your calls to me at (609) 984-7609.

Source: Marcel Iglesias
Code Assistance Unit

Enclosing an Existing Porch and the Energy

Subcode

What happens when a homeowner wants to enclose his or her existing porch utilizing the existing roof structure? Are energy calculations required?

Enclosing an existing porch that has an existing roof is considered an “alteration” in accordance with the Rehabilitation Subcode at N.J.A.C. 5:23-6.6, “Alterations.” This is NOT considered an “addition,” as per N.J.A.C. 5:23-6.32, because constructing an addition would require an increase in the footprint of the home.

Energy calculations, in accordance with N.J.A.C. 5:23-2.15(e)1vi, must be applied to an addition, which is defined at N.J.A.C. 5:23-6.3 as “an increase in the footprint area of a building or an increase in the average height of the highest roof surface or the number of stories of a building.”

Therefore, the enclosure of a porch utilizing the existing roof is considered an alteration, not an addition, and no energy calculations are required.

If you have any questions on this issue, you may reach me at (609) 984-7609.

Source: Rob Austin
Code Assistance Unit

New Jersey Accepts NCPCCI and ICC Exams

Following a thorough evaluation of the exams offered by the National Certification Program for Construction Code Inspectors (NCPCCI) and those offered by the International Code Council (ICC), the Department of Community Affairs has determined that the following exams are equivalent. This means that the candidate may take either the exam offered by NCPCCI through Experior Assessments or the exam offered by the ICC.

The following table does not provide the licensing requirements; it simply gives the name of each exam and the status of equivalency.

You may reach the ICC through its web site at www.iccsafe.org. You may reach Experior through its web site at www.experioronline.com.

If you have questions about the licensing requirements, you may contact the Licensing Unit at (609) 984-7834. If you have questions about the ICC exams, please contact John Terry at (609) 984-7609. If you have questions about the NCPCCI exams administered by Experior, please contact me at (609) 984-7609.



Requirements – May Take either NCPCCI or ICC Exams



LICENSE AREA/LEVEL	NCPCCI EXAM(S) REQUIRED	ICC EXAM(S) REQUIRED
Building RCS Inspector	1A - Building One- and Two-Family 4A - Mechanical One- and Two-Family	B1 - Residential Building Inspector M1 - Residential Mechanical In-
Building ICS	1B - Building, General 4B - Mechanical, General	B2 - Commercial Building Inspector M2 - Commercial Mechanical Inspector
Building HHS	1C - Building, Plan Review	B3 - Building Plans Examiner
Electrical ICS	2A - Electrical, One- and Two-Family 2B - Electrical, General	E1 - Residential Electrical Inspector E2 - Commercial Electrical Inspector
Electrical HHS	2C - Electrical, Plan Review	E3 - Electrical Plans Examiner
Fire Protection ICS tor	3B - Fire Protection, General 4A - Mechanical One- and Two-Family	N7 - Building Fire Protection Inspector M1 - Residential Mechanical Inspec-
Fire Protection HHS iner	3C - Fire Protection, Plan Review	N8 - Building Fire Protection Plans Exam-

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LICENSE AREA/LEVEL	NCPCCI EXAM(S) REQUIRED	ICC EXAM(S) REQUIRED
Plumbing ICS Inspector	5B - Plumbing, General 4B - Mechanical, General	N2 - New Jersey Commercial Plumbing M2 - Commercial Mechanical Inspector
Plumbing HHS	5C - Plumbing, Plan Review	N3 - New Jersey Plumbing Plans Examiner
Elevator HHS	6B - Elevator, General	None

Source: Emily W. Templeton

Mechanical Inspector	4A - Mechanical, One- and Two-Family	M1 - Residential Mechanical Inspector
One- and Two-Family Inspector	4B - Mechanical, General	M2 - Commercial Mechanical Inspector

Haunted Houses - Revisited  

The Department of Community Affairs amended the Uniform Construction Code (UCC) requirements applicable to “Special Amusement Buildings” (haunted houses) last year. Upon further review and discussion between the Division of Codes and Standards and the Division of Fire Safety, the regulations regarding these special uses and occupancies are being revised again, and will be adopted in late September. As you know, special amusement buildings represent a unique hazard and the regulation amendment does not lessen the requirements for these uses. It merely assigns enforcement responsibility to the fire official for the temporary use of a building as a special amusement because fire officials are better equipped to deal with short-term occupancies.

From a UCC standpoint, the amendments are quite simple. At *N.J.A.C. 5:23-2.6*, entitled “Change of Use,” an exception to (b)3 is added. This exception states that the use of an existing building or portion thereof as a special amusement for not more than 15 days in a calendar year is allowed, provided that the fire official has issued a permit. At *N.J.A.C. 5:23-3.2(d)5*, a similar change is made to the commercial farm building regulations, which also limits the use of the commercial farm building as a special amusement to 15 days with the issuance of a Uniform Fire Code (UFC) permit per *N.J.A.C. 5:70*. In both cases, should the owner choose to use the building as a special amusement building for a period longer than 15 days in the calendar year, it is considered a change in use, and

the building is required to comply with the building and fire requirements contained in the Change of Use section of the Rehabilitation Subcode (*N.J.A.C. 5:23-6.31*).

Additionally, an amendment is being made to *N.J.A.C. 5:23-3.14*, “Building Subcode,” to delete the exception to Section 411.4, “Automatic Sprinklers,” of the 2000 edition of the International Building Code. This exception allowed a non-sprinklered, temporary special amusement building of less than 1,000 square feet. Because the UFC will regulate these temporary uses, this exemption is no longer needed. A similar exemption is also being deleted from *N.J.A.C. 5:23-6.31(a)vii* for the same reason.

From a UFC standpoint, the amendments are quite extensive. At *N.J.A.C. 5:70-2.7(a)3xiv*, entitled “Permits Required,” a new section under “Type 1 Permit” is added. This amendment requires a Type 1 permit for the temporary use of any building or portion thereof as a special amusement building for a period not to exceed 15 days in a calendar year. The amendment further states that, if the building is used as a special amusement building for longer than the prescribed period, a Certificate of Occupancy pursuant to the UCC must be issued for the change of use.

Under the Type 1 permit, the building or portion of the building that is being used as a special amusement is required to comply with *N.J.A.C. 5:70-4.16*. There is one exception: the use of a non-sprinklered building or space

is permitted provided that the following conditions are met: (1) the special amusement is limited to 1,000 square feet of total building area or a 1,000-square-foot portion of the building that is separated from the remainder of the building with one-hour rated construction, (2) the maximum exit access travel distance is 50 feet, (3) the special amusement is located on the ground floor, (4) a 20-foot perimeter suitable for firefighting ground operation is provided, and (5) sufficient fire department personnel and apparatus are standing by on the site at all times when the special amusement is occupied. The amendment goes on to state that no variance from the interior finish requirements of *N.J.A.C. 5:70-4.16* is permitted.

The last amendment to the UFC is at *N.J.A.C. 5:70-4.16*. This amendment requires Class I interior finish material for special amusements; Class II interior finish will no longer be acceptable.

The amendments discussed above establish a two-tiered system for code compliance in a special amusement building. Simply put, a building that is used as a special amusement for fewer than 16 days in a calendar year is required to comply with the UFC and any other special amusement is required to comply with the UCC as a change in the character of use.

Should you have any questions on the UCC requirements, please contact the Code Assistance Unit at (609) 984-7609. For questions on the UFC requirements, please contact George Miller of the Division of Fire Safety at (609) 633-6110.

Source: John N. Terry
Code Assistance Unit

Identification of Windows in Hazardous

Locations

Recently, the Code Assistance Unit has received an influx of telephone calls regarding the labeling requirements for tempered glass installed in hazardous locations in single-family dwellings. Specifically, the issue is whether the tempered glass may be accepted without a label.

Section 308.1 of the International Residential Code, entitled "Identification," clearly states in Exception 1, "For other than tempered glass, labels may be omitted provided the building official approves the use of a certificate, affidavit, or other evidence confirming compliance with the code." Based upon this code section, tempered glass that is installed in a hazardous location **must** be labeled. The use of alternate means of verification of tempered glass, such as a "polarization test," is not based in the code.

Should you have any further questions on this issue, please contact the Code Assistance Unit at (609) 984-7609.

Source: John N. Terry
Code Assistance Unit

Illegal Amusement Rides

The Department of Community Affairs' Carnival and Amusement Ride Safety Program maintains a hot line that is available 24 hours a day, 7 days a week for reporting incidents regarding carnival or amusement rides. Local code officials who find a ride that does not have a current permit issued by the Department, or a green sticker authorizing operation, should call (609) 292-2099. The hot line service will ask for some information regarding location, name of operator, etc.

The ride program has staff on duty from April through October to respond to such calls and an inspector can be dispatched at any time throughout the year to investigate infractions. Inflatable rides are covered by the carnival and amusement ride safety regulations.

If you have questions about the Carnival and Amusement Ride Safety Program, please call (609) 292-2099.

Source: Michael Triplett
Carnival and Amusement Ride Safety
Program
Bureau of Code Services

New Jersey Construction Permit Application on the Internet

In January of 2001, the Department of Community Affairs, Division of Codes and Standards made available at its Internet web site convenient, downloadable versions of the New Jersey Construction Permit Application and Subcode Technical Sections.

In fact, your office may already be receiving permit applications that were obtained in this way. You will recognize them because they will more than likely be printed on plain bond paper and the Subcode Technical Sections will bear the following special instruction to the Internet user in place of the copy distribution at the bottom of the form: "*Applicant: When submitting this form to your Local Construction Code Enforcement Office, please provide one original plus three photocopies.*" In every other way, however, they are exactly the same in content and in

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layout as the forms you have always been required to provide to construction permit applicants.

The Department made these forms available in response to the growing demand by New Jersey citizens for access to government services and information beyond traditional delivery methods and normal hours of operation.

If and when you receive a permit application in this format, you may complete the header information (i.e., BLOCK, LOT, QUALIFICATION CODE, SITE, AND PERMIT NO.) on the outside of a fresh, unused Construction Permit Application file folder and simply note somewhere below, "See Enclosed." Then, put the completed Internet-downloaded document within the folder.

Please be reminded that you *must* accept a permit application filed in this way.

To view the Construction Permit Application and related forms on the Internet, visit the Divisions' web site at www.state.nj.us/dca/codes/.

Source: Berit Osworth
Division of Codes and Standards

Is It a Kitchen?

The 2002 edition of the National Electrical Code (NEC/2002), Section 210.8(B)(3), entitled "Ground-Fault Circuit-Interrupter Protection for Personnel, Other Than Dwelling Units, Kitchens," requires that all 125-volt, single-phase, 15- and 20-ampere receptacles installed in kitchens have ground-fault circuit-interrupter (GFCI) protection for personnel.

This means that every receptacle in a kitchen, whether or not it serves a counter top, that is 125 volt, single phase, and 15 or 20 ampere is required to have GFCI protection.

Because the NEC/2002 does not define a kitchen in terms other than dwelling units, the design professional needs to identify kitchens on the drawings. Based on these drawings, appropriate articles of the NEC/2002 should then be applied for the installation.

If you have any questions on this matter, you may reach me at (609) 984-7609.

Source: Suzanne Borek
Code Assistance Unit

More Rain-Tight Fittings

Underwriters Laboratories, Inc. (UL) has listed and labeled additional electrical metallic tubing (EMT) compression connectors and couplings as "rain-tight."

O-Z/Gedney, LLC EMT compression connectors and couplings with an SR or SRT suffix in trade sizes 1/2, 3/4, and 1 inch have been listed and labeled as rain-tight.

UL also provides a list of rain-tight, compression-type fittings for EMT under the product category "Electrical Metallic Tubing Fittings (FKAV)" in the UL 2003 General Information for Electrical Equipment Directory (White Book).

For more information on rain-tight, compression type EMT fittings, visit UL's Regulators web page at www.ul.com/regulators/raintight.html.

If you have any questions on this matter, you may reach me at (609) 984-7609.

Source: Suzanne Borek
Code Assistance Unit

Multi-Town Officials

As most construction officials know, for several years the Office of Regulatory Affairs has been asking each municipality for rosters that include the actual hours worked by each employee of the local building department.

The purpose of accumulating this information is to track officials who are working in multiple towns, because a large portion of complaints received are generated from part-time towns where the officials have limited hours.

Part of the tracking process entails field visits to each municipality in which a multi-town official works. Regulatory Affairs' investigators review the permit process, paying particular attention to the time frames for plan review and inspection requests. Official designated work hours are also checked and a comparison chart is developed to ensure that the official does not have conflicting hours.

The hours, as determined by the investigator, are then verified for accuracy by comparing them to the rosters, which were provided by the construction official as mentioned above.

Finally, if it is determined by review of the permit activity that there appears to be a significant amount of work in one or more municipalities in which the official is working, a staffing analysis is performed.

What is the purpose of all of this review? The main reason for monitoring officials in multiple towns is to ensure that each individual is capable of adequately enforcing the adopted Uniform Construction Code rules and regulations. Hurried or incomplete inspections can compromise the safety of the intended occupants. This is what we are ultimately trying to ensure will *not* happen.

To a lesser degree, we are attempting to resolve inaccurate or conflicting hours. After all, not even superman can be in two places at the same time.

It should also be noted that having conflicting hours has led to several officials being charged with theft of service, which is a criminal offense. While in most instances there is no criminal intent, everybody should be mindful that actions of this nature have potentially serious consequences.

Our efforts are not intended to be punitive. Therefore, when we discover that an official has conflicting hours or needs more hours, we require that the official correct or expand his or her hours. Whenever an official changes his or her hours, we request that the construction official verify the accuracy of the submission. If this is not possible, then the said official must terminate employment in one or more municipalities.

Any questions concerning this process should be directed to the Office of Regulatory Affairs at (609) 984-7672.

Source: Louis Mraw
Office of Regulatory Affairs

Where, Oh Where Did My “Ordinary Maintenance” Go?

Recently, the Code Assistance Unit has received some telephone calls from people inquiring about the deletion of *N.J.A.C. 5:23-9.3*, “Interpretation: Ordinary Maintenance.” Please be advised that this section was not deleted; it was moved to a more logical place in the Uniform Construction Code (UCC). The requirements are now located at *N.J.A.C. 5:23-2.7(c)*, “Ordinary Maintenance.”

Subchapter 9 provides interpretations of existing UCC regulations. Previously, *N.J.A.C. 5:23-2.7* referred code users to *N.J.A.C. 5:23-9.3* for further interpretation of work that is considered ordinary maintenance. The purpose behind moving the provisions of *N.J.A.C. 5:23-9.3* to *N.J.A.C. 5:23-2.7* was to make the UCC more user friendly. So, as of April 5, 2004, “Interpretation: Ordinary Maintenance” is now located at *N.J.A.C. 5:23-2.7(c)*.

If you have any questions on this issue, you may reach me at (609) 984-7609.

Source: Rob Austin
Code Assistance Unit

Parking Below Other Groups 

Sweeping rules, like the Building Subcode, are written to address a broad range of structures, uses, and situations. However, this subcode also includes special requirements to meet specific needs for types of buildings that require more than the average structure, such as high-hazard structures. Requirements for special construction have been in the Building Subcode since the adoption of the Uniform Construction Code in 1977. Such requirements have made construction of these different types of occupancies safer than if they had been constructed using the general requirements of the code. Special requirements may also allow a specific building use to be constructed more economically, while maintaining an appropriate level of safety. Regulations for special construction are located in the 2000 edition of the International Building Code in Section 508, “Special Provisions.”

The purpose of this article is to highlight special construction requirements for the separation of parking garages below other uses.

Section 508 of the Building Subcode allows an enclosed parking garage of Group S-2 to be constructed below buildings that would normally require a large number of parking spaces associated with the building’s use (usually required by the local zoning or planning codes). Possible uses include assembly, residential, business, and mercantile. Interestingly, it also contains provisions for the construction of enclosed parking structures below open parking structures.

Code officials should pay particular attention to the special code provisions for the fire-resistance ratings between the parking use below and the use above, from where the height of the use above is measured, and for the minimum construction type of the parking use. The following provides some of the applicable code provisions:

- ✓ **Fire Resistance of the Floor Separation**
- ✓ Enclosed parking below Group A, B, M, or R (Section 508.2) – 3 hours
- ✓ Open parking below Group A, B, M, or R (Section 508.7) – per Table 302.3.3, “Required Separation of Occupancies (Hours)”
- ✓ Enclosed parking below open parking (Section 508.3) – per the construction type of the garage

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- √ Parking structure, open or closed, below a Group R (Section 508.5) – per the construction type of the garage

Where Allowable Height is Measured

- √ Enclosed parking below Group A, B, M, or R (Section 508.2) – from the roof deck of the garage
- √ Open parking below Group A, B, M, or R (Section 508.7) – from the grade plane
- √ Enclosed parking below open parking (Section 508.3) – from the grade plane
- √ Parking structure, open or closed, below a Group R (Section 508.5) – from the roof deck of the garage

Minimum Construction Type of the Garage

- √ Enclosed parking below Group A, B, M, or R (Section 508.2) – Type IA
- √ Open parking below Group A, B, M, or R (Section 508.7) – none designated
- √ Enclosed parking below open parking (Section 508.3) – Type I or Type II
- √ Parking structure, open or enclosed, below a Group R (Section 508.5) Type I or, for open-only use, Type IV

As you can see, even though these special provisions appear very similar, they each have unique characteristics. When an applicant indicates that a building is to be constructed per one of these special provisions, ensure that all requirements are met. Do not mix and match special provisions.

If you have any questions, you may reach me at (609) 984-7609.

Source: Jeffrey Applegate
Code Assistance Unit

Telecommunication Exemption Certificate

Does it exist? What does it mean? Who issues it? Is a permit required for telecommunication work?

The **Telecommunication Wiring Exemption Certificate** does exist! It is issued by the Board of Examiners of Electrical Contractors and is used by contractors that install wiring for telecommunication systems, which include telephone and data wiring.

According to the Board of Examiners of Electrical Contractors, “Telecommunications wiring” means wiring

within a premises, either inside or outside a building, for voice and/or data transmission at voltage(s) compatible with the system being installed, and connected to a Federal Communications Commission-recognized communication network at the point of connection provided by the utility providing communication services to the customer. It shall also include the interconnection of data wiring between computers and/or terminals.

A permit is required for telecommunication wiring, and is required to be signed and sealed by a New Jersey licensed electrical contractor or an exempt applicant, the telecommunication exemption certificate holder.

The Uniform Construction Code, at *N.J.A.C. 5:23-2.7*, “Ordinary Maintenance,” Subsection (c)3iii, does not require a permit for the installation of communications wiring in one- or two-family dwellings, or for the alteration/rearrangement of existing communications wiring in other occupancies, provided however that the rearrangement does not involve the penetration of a fire-rated assembly and is not in a hazardous location, as defined in the Electrical Subcode, Chapter 5, entitled “Special Occupancies.”

If you have any questions on this matter, you may reach me at (609) 984-7609.

Source: Suzanne Borek
Code Assistance Unit

Zero Lot Lines

In recent years, one development concept that has become widely used is that of zero lot lines. This means that a house can be built without a side yard on one side, provided it is separated from the neighboring house by a side yard on the neighboring house’s lot. Since the exterior fire rating of both houses is a function of the distance between the houses, it is important, prior to approving any such construction, there be assurance that the required side yard will never be built upon, or if it is, that additional fire protection is required.

In order to make sure that this happens, good communication between the construction code enforcement and zoning offices is essential. Construction officials know that a zoning clearance must be obtained before a permit can be issued. Zoning officials should also be made aware that any application for a variance involving construction in a required side yard necessarily involves the construction code enforcement office and notice of any such application should therefore be given to the construction official.

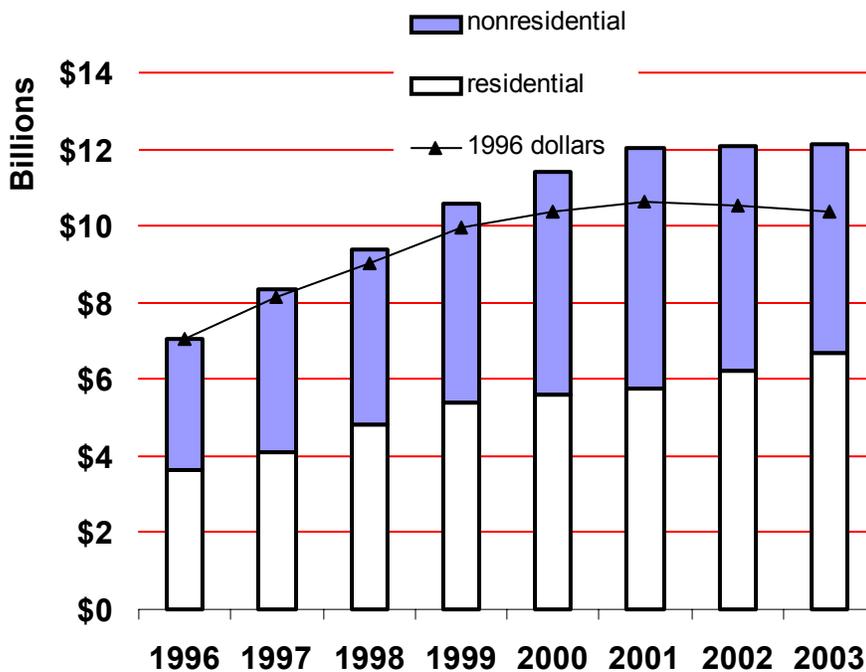
In any new development involving zero lot lines, the planning board, as part of its approval process, should make side yards a condition of approval and require that there be deed restrictions on all lots to make sure the required side yards are never built upon. If a subsequent owner violates a condition of the approval, the zoning officer has authority to cite the violation in the same way that he

or she would cite any other zoning violation. Construction officials should, therefore, make sure their planning boards make required side yards, and any other aspect of the development that would have construction code implications, a condition of any approval.

Source: Michael L. Ticktin
Chief, Legislative Analysis

(continued from page 1)

Estimated Cost of Construction Authorized by Building Permits, 1996-2003



Housing construction accounted for \$6.7 billion. This was 54.9 percent of all activity authorized by permits. Nonresidential structures made up \$5.5 billion, 45.1 percent of all work for the year. Three of the four major construction indicators in the *CONSTRUCTION REPORTER* were at or slightly above last year's levels. Total work was about the same. New houses authorized by permits increased by 582 units, about 1.6 percent. Office space was up by over 483,000 square feet, a 2.5-percent increase compared to last year, but significantly lower than in 2001, when a record 19.1-million square feet of new office space were authorized. That year, Jersey City in Hudson County accounted for 4.1-million square feet of new office space. Only new retail space was down by 21 percent compared to 2002.

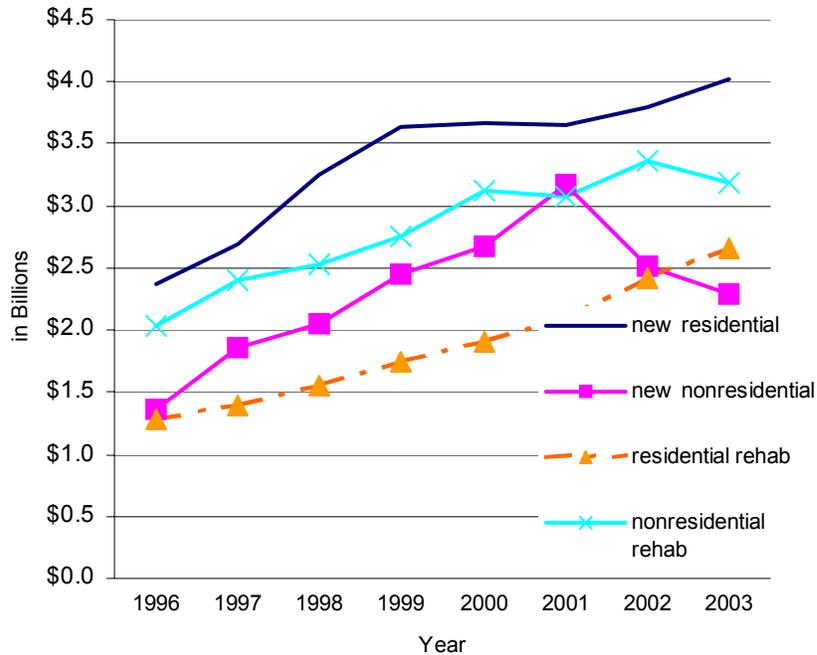
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New Jersey Construction Indicators: 1996-2003				
	Estimated Construction Costs	Authorized Housing Units	Authorized Office Space (square feet)	Authorized Retail Space (square feet)
1996	\$7,028,424,990	27,577	6,229,515	4,880,139
1997	\$8,346,533,144	30,017	10,409,171	5,688,955
1998	\$9,396,755,517	35,676	12,703,824	7,921,892
1999	\$10,584,167,530	37,536	13,237,891	6,229,471
2000	\$11,387,683,514	38,065	15,531,039	6,063,412
2001	\$12,007,456,630	35,680	19,134,533	7,244,833
2002	\$12,079,942,099	34,589	9,261,054	7,560,913
2003	\$12,148,747,807	35,171	9,744,146	6,038,428
<i>Change between 2002 and 2003</i>				
2002-2003	\$68,805,708	582	483,092	-1,522,485
Percent Change	0.6%	1.6%	2.5%	-21.0%
Source: N.J. Department of Community Affairs, 4/7/04				

New home production continued as the most significant force in New Jersey's construction economy. While the number of new houses grew by only 1.6 percent between 2002 and 2003, the estimated construction cost of these houses increased by \$224.4 million, or 5.9 percent. Housing renovations grew even faster. Last year, the estimated cost of all residential alterations and additions was \$2.4 billion. In 2003, it was \$2.7 billion, increasing by \$238.4 million, or 9.9 percent.

The strong housing market compensated for sluggish activity in the nonresidential sector. New, nonresidential buildings accounted for only \$2.3 billion of authorized construction in 2003. This was \$228.5 million less (9.1 percent) than last year. Commercial and other nonresidential rehabilitation also dropped. The estimated cost of rehab work on nonresidential structures declined by \$166.5 million, or 5 percent. This year was the first time in recent history that the amount of money spent to fix up existing housing exceeded the amount authorized to build new office buildings, stores, and other nonresidential structures.

Estimated Cost of Construction Authorized by Building Permits



Activity by Region

Central New Jersey had 36.3 percent of all new houses authorized by permits and 45.2 percent of all new office space. The region had the largest amount of new retail space, 38.2 percent, and accounted for \$4.5 billion, or 36.7 percent, of the estimated cost of construction authorized by permits.

Northern New Jersey had the most work, \$4.6 billion. This was 37.8 percent of all activity. Due in large measure to strong housing markets in the City of Newark in Essex County, the City of Hoboken and Jersey City in Hudson County, and the City of Elizabeth in Union County, northern New Jersey was the location of 32.5 percent of all the new houses in 2003.

Southern New Jersey had the smallest proportion of activity compared with other regions of the State. But, construction work has grown in this area, due in large measure to a strong housing market. Southern New Jersey communities accounted for 21.4 percent of all activity in 2003. This region also had 31.2 percent of all the new houses. In 1998, southern New Jersey had only 17.5 percent of all work in the State and 23.4 percent of the new dwellings.

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Major Construction Indicators by Region: 2003				
Region	Estimated Cost of Construction	Authorized Housing Units	Authorized Office Space (square feet)	Authorized Retail Space (square feet)
North	\$4,587,958,818	11,431	3,079,208	2,239,779
Central	\$4,461,322,637	12,752	4,405,090	2,307,208
South	\$2,598,232,120	10,982	1,950,854	1,414,982
State Buildings	\$501,234,232	6	308,994	76,459
New Jersey	\$12,148,747,807	35,171	9,744,146	6,038,428
<i>Percent Distribution by Region</i>				
North	37.8%	32.5%	31.6%	37.1%
Central	36.7%	36.3%	45.2%	38.2%
South	21.4%	31.2%	20.0%	23.4%
State Buildings	4.1%	0.017%	3.2%	1.3%
New Jersey	100.0%	100.0%	100.0%	100.0%
Source: N.J. Department of Community Affairs, 4/7/04				
Northern New Jersey: Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union, and Warren Counties				
Central New Jersey: Hunterdon, Mercer, Middlesex, Monmouth, Ocean, and Somerset Counties				
Southern New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties				

Leading Role for Big Cities

New Jersey's big cities were top performers. This continued a trend of recent years. No other municipality had more work authorized by permits than Jersey City, with \$322.9 million. Newark ranked second with \$248.1 million. Housing was a key reason for much of the activity in both cities. Newark had the most new houses with 1,730 authorized units. Jersey City ranked second among all localities with 969 new houses.

Other top urban performers were Atlantic City in Atlantic County, Hoboken, and Elizabeth. Most of the work in Atlantic City was hotel and casino related. New housing construction was the driving force, however, in Hoboken and Elizabeth. Nine of the top 15 communities with the most work had over 400 new houses in 2003.

Construction Indicators Top New Jersey Municipalities: 2003					
Municipality	County	Estimated Cost of Construction (dollars)	Authorized Housing Units	Authorized Office Space (square feet)	Authorized Retail Space (square feet)
Jersey City	Hudson	\$322,912,488	969	378,189	83,540
Newark City	Essex	248,116,867	1,730	236,042	16,205
Franklin Twp.	Somerset	177,453,393	569	121,117	6,335
Dover Twp.	Ocean	144,277,904	299	196,846	27,280
Atlantic City	Atlantic	126,745,674	100	6,900	0
Hoboken City	Hudson	117,919,493	599	52,858	83,690
East Brunswick Twp.	Middlesex	110,386,950	340	143,932	3,868
Princeton Twp.	Mercer	108,984,189	13	116,234	12,126
Jackson Twp.	Ocean	106,811,341	590	5,088	12,100
Edison Twp.	Middlesex	99,321,148	91	240,273	20,642
Woodbridge Twp.	Middlesex	95,371,392	110	15,081	355,624
Elizabeth City	Union	95,052,210	649	22,450	0
Ocean City	Cape May	94,779,047	432	99,648	22,851
Lakewood Twp.	Ocean	93,181,492	558	136,814	0
Cherry Hill Twp.	Camden	92,958,402	465	58,675	34,290
Top Municipalities		\$2,034,271,990	7,514	1,830,147	678,551
New Jersey		\$12,148,747,807	35,171	9,744,146	6,038,428
Source: N.J. Department of Community Affairs, 4/7/04					

New House Prices

Another indicator on the strength of the New Jersey housing market is the price of a new home. The median sales price of a new house broke the \$300,000 level in 2003. The median sales price of the 22,226 new houses that began enrollment in a new home warranty program in 2003 was \$307,168. Last year it was \$274,705. This increase of 11.8 percent was the largest annual increase in recent years. New houses in Hunterdon County cost the most. The median sales price in 2003 of a new Hunterdon County house was \$563,308.

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New House Prices			
Period	Number of New Houses	Median Sales Price	Percent Change in Sales Price
1996	20,903	\$183,300	
1997	21,640	\$190,000	3.7%
1998	23,884	\$209,980	10.5%
1999	24,479	\$224,496	6.9%
2000	25,058	\$231,728	3.2%
2001	23,372	\$253,670	9.5%
2002	23,647	\$274,705	8.3%
2003	22,226	\$307,168	11.8%
1st Quarter 2003	4,465	\$295,000	
2nd Quarter 2003	5,540	\$300,793	2.0%
3rd Quarter 2003	6,091	\$307,950	2.4%
4th Quarter 2003	6,130	\$319,650	3.8%
1st Quarter 2004	4,280	\$323,870	1.3%
Source: N.J. Department of Community Affairs, 4/7/04			



NOTES

Greetings from Governor James E. McGreevey and Commissioner Susan Bass Levin

One fundamental principle of the New Jersey State Uniform Construction Code (UCC) is that New Jersey citizens are provided with safe and affordable housing and buildings. This is achieved through local code enforcement agencies working in partnership with design professionals, builders and developers.

Three times per year, the Department of Community Affairs' (DCA) Division of Codes and Standards publishes the *Construction Code Communicator*. This newsletter provides subscribers - both public and private - with information on emerging construction issues. It also provides code officials with guidance on UCC administration and enforcement.

Through the *Construction Code Communicator* and all of our programs and services, we remain committed to providing safe and affordable housing and buildings to New Jersey citizens.

With all good wishes,



James E. McGreevey
Governor



Susan Bass Levin
Commissioner

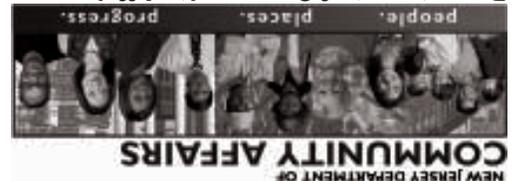
Susan Bass Levin
Commissioner
NJ Department
of Community Affairs



James E. McGreevey
Governor
State of New Jersey



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