

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendments: N.J.A.C. 5:23-2.2, 2.6, 2.7, 2.14, 2.15, 2.15A, 2.20, 2.23, 2.35, 2.37, 3.2, 3.4, 3.8, 3.14, 3.15, 3.22, 4.26, 5.3, and 12.8

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-029.

Submit written comments by April 22, 2017, to:

Geraldine Callahan

Department of Community Affairs

PO Box 800

Trenton, New Jersey 08625-0800

Fax No. (609) 984-6696

E-mail: geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

The proposed amendments encompass a number of unrelated changes to the Uniform Construction Code (UCC). Many of the proposed amendments are best described as housekeeping amendments made necessary by the adoption of the most recent editions of the

national model codes, including the 2015 International Code, the 2014 National Electrical Code, and the 2015 National Standard Plumbing Code. These proposed amendments update cross-references and correct language. Additional amendments are made to clarify requirements, to revise the permit requirements and other administrative provisions of the UCC, and to reference the requirement for a licensed heating, ventilation, air conditioning, and refrigeration contractor to obtain a permit for work that falls within the scope of this licensed trade. A section-by-section description of the proposed amendments follows:

1. N.J.A.C. 5:23-2.2 – Dust Explosion Hazards - The proposed amendments would state explicitly that equipment, processes, or operations that involve dust explosion hazards should not be considered manufacturing, production, or process equipment, and thereby are regulated by the UCC. In October 2012, a flash fire injured seven workers at the US Ink manufacturing facility in East Rutherford. The U.S. Chemical Safety and Hazard Investigation Board (CSB) investigated this accident and determined that the dust collection system was one of the root causes of the incident. Because the dust collection system recirculated the raw material back into the process, the local enforcing agency determined the system to be process equipment, and, therefore, not regulated by the UCC. The 2015 International Building Code and its reference to the 2015 International Fire Code provide the appropriate standards to be applied to address dust explosion hazards. The proposed rule would apply these requirements to equipment, processes, or operations that involve dust explosion hazards by making it clear that these systems are regulated by the UCC in all cases.

2. N.J.A.C. 5:23-2.6 and 2.23 - Change of Use - Currently, N.J.A.C. 5:23-2.6 addresses the need for a new certificate of occupancy prior to a change of use and N.J.A.C. 5:23-2.23 addresses the need for a new certificate of occupancy to change back to a previous occupancy,

once a change of use has occurred. The proposed amendments promote consistency by incorporating the language applicable to a return to a previous use in both sections.

3. N.J.A.C. 5:23-2.7 - Ordinary Maintenance – Under the proposed amendments, the installation of a “storable” spa or hot tub with a lockable cover would be added to the list of building ordinary maintenance, thus, eliminating the need for a construction permit. This type of plug-in device already is exempt from an electrical technical section. The reason for the building technical section is the barrier requirement; as such, the exemption would only apply if the spa or hot tub is provided with a lockable cover.

At N.J.A.C. 5:23-2.7(c)3i, the existing rule states that replacing electrical receptacles, switches, or lighting fixture is considered ordinary maintenance, and, therefore, no permit is required. The proposed amendments to this subparagraph would include “parts thereof” for items such as ballasts; the proposed amendments also remove the limit on the voltage, thus, allowing a like for like replacement without the need to obtain a permit. Also, the cross-reference is updated.

Currently, the installation of a kitchen exhaust hood in a single-family dwelling is considered ordinary maintenance. The proposed amendment at N.J.A.C. 5:23-2.7(c)5vi would expand the exemption to any kitchen exhaust fan in a dwelling unit within the limits proposed.

Proposed new N.J.A.C. 5:23-2.7(c)5ix would establish that a construction permit is not required for the replacement of a bathroom exhaust fan in a dwelling unit. Currently, the replacement is exempted from the need for an electrical technical section, but it is not clear whether this type of installation requires a building technical section. This amendment would eliminate this confusion.

4. N.J.A.C. 5:23-2.14 - Replacement of Interior Gas Meters - Currently, the UCC waives

the construction permit requirements for the replacement of interior gas utility company-owned meters with exterior gas utility company-owned meters when the work is performed by employees of the gas utility company. One gas utility inquired into whether or not this work could be performed by contractors hired by the utility. As a result of this inquiry, the Department implemented a pilot program. As part of this program, the utility was required to establish a quality control program in which employees of the utility were responsible to oversee the work of the contractors. To verify the effectiveness of this quality control, the utility was required to obtain construction permits for 30 percent of the work performed. After six months, the Department obtained the results of the inspections for the permitted work and found a high rate of compliance.

As a result of this pilot program, the Department is now proposing to codify the protocol that was used by one utility to make it applicable to meter replacement work for all utility companies. The proposed rule establishes several requirements:

A. The contractor must be a licensed master plumber or a licensed heating, ventilation, air conditioning, or refrigeration contractor. This requirement is consistent with the rules of the Department of Law and Public Safety, Division of Consumer Affairs.

B. The utility company must establish a quality control program staffed by utility company employees.

C. The utility company must inform the local enforcing agency of all of the addresses where the work will take place and the enforcing agency will select 10 percent of the properties for which permits will be required. Certificates of approval will be issued only for those addresses where permits are issued.

D. Should the failure rate of those properties inspected be 20 percent or greater,

the local agency will inform the Department and 50 percent of all of this type of work being performed by the utility in question will be inspected until the failure rate is reduced below 20 percent.

It should be noted that this proposed rule does not impact the existing permit exemption for utilities performing this work with their own employees.

5. N.J.A.C. 5:23-2.15(a)6 and 2.20(b) – Special Inspection for Smoke Control Systems
– The proposed amendments to these subsections clarify the requirement for a special inspection for smoke control systems. The current regulations could be misinterpreted to apply the requirement for special inspections to the entire building where there is a smoke control system rather than to the smoke control system itself.

6. N.J.A.C. 5:23-2.15(b)2, (d), and (f)1vi and vii(3) and 2.15A(b)4ii – Heating, Ventilating, Air Conditioning, and Refrigeration Contractors - On April 15, 2013, the Department of Law and Public Safety, Division of Consumer Affairs adopted rules requiring Heating, Ventilating, Air Conditioning, and Refrigeration (HVACR) Contractors to be licensed. (see N.J.A.C. 13:32A) Over the last three years, the Division of Consumer Affairs has established the licensing requirements and issued licenses for approximately 10,000 HVACR contractors. The amendments proposed at N.J.A.C. 5:23-2.15 and 2.15A would incorporate the requirement for HVACR contractors to be licensed into the Uniform Construction Code by requiring proof of licensure as a condition for obtaining a construction permit for work covered by the scope of the license.

7. N.J.A.C. 5:23-2.15(b)3 - The proposed new paragraph would require that contractors list their certification number when applying for a permit that involves liquefied petroleum gas (LPG) service work. Contractors performing LPG service work are required to be certified in

accordance with the Liquefied Petroleum Gas Safety rules (N.J.A.C. 5:18.) Propane service work, as defined in N.J.A.C. 5:18, includes the installation of liquefied petroleum gas fired appliances, the installation of an LPG service pipe, and the installation of LPG storage containers. The requirement for certification of contractors who perform propane service work has been in place for several years. However, there is no requirement for certified contractors to record their credentials as part of the permit application process. The proposed regulation would make it a requirement. The proposed regulation is similar to what licensed plumbers and electricians and other licensed contractors are required to do as part of the permit application process. And the proposed regulation is consistent with the existing system for ensuring that work is performed by properly qualified contractors.

8. N.J.A.C. 5:23-2.15(f)1iv and v - Plan Review – The proposed amendments delete the word “isometric” and replace it with a reference to riser diagrams. The amendment also adds gas riser diagrams to the list of mechanical plans and specifications. These changes update the terminology used for what is required to document compliance.

9. N.J.A.C. 5:23-2.15(f)1vi and 2.15A(b)3vi – Energy Subcode Compliance – The proposed amendments update the references to the newly-adopted energy subcode and associated guidance bulletin.

10. N.J.A.C. 5:23-2.35 – Enforcement Actions after Issuance of Certificate(s) of Occupancy – Through these proposed amendments, building subcode and electrical subcode section numbers and titles are updated to the 2015 and 2014 editions, respectively.

11. N.J.A.C. 5:23-2.37 - Elevation of an Existing Building – The proposed amendment would create an exception to the requirement for documentation from the utility for a disconnect prior to elevation. This exception is limited to sewer or water disconnection outside the utility

right of way (for example, at the house). It is important to note that, unlike demolitions, a building elevation involves only a temporary disconnect. There have been problems in obtaining documentation from the municipal utilities for this purpose.

12. N.J.A.C. 5:23-3.2(d) – Commercial Farm Buildings – Cross-references to the building subcode have been updated and an internal-cross reference has been corrected.

13. N.J.A.C. 5:23-3.4 - Responsibilities – The proposed amendments assign inspection responsibility for backflow preventers on dedicated fire service supply lines to the fire inspector/subcode official and eliminate references to energy requirements that have been deleted. The amendment at N.J.A.C. 5:23-3.4(d), with regard to mechanical inspections, is proposed in response to questions that have arisen as a result of a recent amendment. On February 17, 2015, this section was amended to make it clear that, in the absence of a mechanical inspector, the construction official was to assign the same responsibilities to the plumbing subcode official. However, the amended language listing the types of projects that could be inspected by the mechanical inspector was not identical to the list of projects that could be inspected by the plumbing subcode as reflected in paragraph (d)1. This has caused unnecessary confusion. The proposed amendments would make the list of work that is to be inspected by the mechanical inspector match the work to be inspected by the plumbing subcode. This was always the Department's intent.

14. N.J.A.C. 5:23-3.8 – Products Violating the Code – Cross-references to the building subcode have been updated for interior finishes violating the code.

15. N.J.A.C. 5:23-3.14(b)10 – Accessibility – The proposed amendments would make three corrections to the accessibility requirements. These provisions were contained in the Barrier Free Subcode (N.J.A.C. 5:23-7) and were inadvertently left out of the revisions to

Chapter 11 of the 2015 International Building Code made as part of the adoption by reference of this standard. The proposed amendments also correct subsection numbers and one subsection title in ICC/ANSI as contained in Chapter 11.

A. Limited Use/Limited Application Elevators (LULAs) - The proposed amendment to Section 1104.4.2.2 of the building subcode eliminates an internal contradiction in the adopted rules, and provides for consistency with the statute and the previously-existing rules by adding the 3,000 square-foot restriction for a floor to be served by a LULA. As adopted, the text of this section would allow the use of a limited use/limited application elevator in a large building without restriction. This contradicts the adopted text at N.J.A.C. 5:23-3.14(b)10xli, which would limit the use of such elevators in large buildings to floors of less than 3,000 square feet.

B. Entrances - The number of public entrances required to be accessible was increased from 50 percent to 60 percent to comply with the 2010 revisions to the Americans with Disabilities Act Accessibility Guidelines. The proposed amendment adds the language from the Barrier Free Subcode, which specified that one of the primary entrances used by the general public must be accessible.

C. Assisted Living Facilities – The proposed amendments would correct the requirements applicable to assisted living facilities to treat them as other multi-family residential uses as was the case under the previously-existing requirements of the Barrier Free Subcode. Although an assisted living facility is deemed to be Group I-2 (institutional) for purposes of complying with the building and fire protection subcode, it should be Group R-2 (multiple dwelling) for the purposes of accessibility. Dwellings that are designated as Group I-2 are required to be 50 percent fully accessible; 50 percent would not be subject to any accessibility

requirements. Dwellings that are in buildings of Group R-2 are required to be 100 percent adaptable. This will ensure that all dwelling units in assisted living facilities have enough clear floor space with a sufficient turning radius for a person with a disability to live there comfortably.

16. N.J.A.C. 5:23-3.15 - Plumbing Subcode – The proposed amendment deletes the word “Siamese” from the description of the fire department connection. This terminology is no longer used.

17. N.J.A.C. 5:23-3.22 - Fuel Gas Subcode – The proposed amendment corrects a section number.

18. N.J.A.C. 5:23-4.26(a)iii and 5.3(a)4 – Special Inspections – Cross-references have been updated in regard to certain special inspections required within the building subcode.

19. N.J.A.C. 5:23-5.3(a)1 – Mechanical Inspector - The proposed amendment would correct the description of work performed by a mechanical inspector for consistency. (See discussion of change to N.J.A.C. 5:23-3.4(d))

20. N.J.A.C. 5:23-12.8 – Elevator Subcode – A cross-reference to ordinary maintenance has been corrected.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

As described above, the proposed amendments would correct cross-references, clarify requirements and correct the accessibility requirements by restoring language from the previously-existing rules, inadvertently omitted from the adoption of the 2015 International

Building Code. The proposed amendments also expand the list of work that may be considered ordinary maintenance, and as such, would not be subject to the requirements for construction permits and inspections. The proposed amendments also add cross-references to other requirements for licensed contractors, specifically, heating, ventilating, air conditioning, and refrigeration (HVACR) contractors, and liquefied petroleum gas contractors. It is anticipated that the proposed amendments will have a positive social impact in that public health and safety will be maintained and accessibility for persons with disabilities will be provided.

Economic Impact

As described in the Summary above, many of the proposed amendments correct cross-references and correct or clarify existing requirements, or in the case of licensed contractors, reflect the requirements of other laws. Accordingly, it is not anticipated that these proposed amendments will have a discernible economic impact. The proposed amendments to N.J.A.C. 5:23-2.7 will result in a modest economic benefit to those undertaking work proposed to be exempt from the requirement for a construction permit. Similarly, the proposed amendments with regard to the installation of gas meters will offer the modest economic benefit of eliminating the requirement to obtain a permit for every such installation/relocation where the work is performed by a contractor under the supervision of the utility company.

Federal Standards Statement

No Federal standards analysis is required because the amendments are not proposed under the authority of, or in order to implement, comply with, or participate in any program

established under Federal law or a State statute that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate either the creation or loss of any jobs as a result of the proposed amendments.

Agriculture Industry Impact

It is not anticipated that the proposed amendments would have any impact upon the agricultural industry.

Regulatory Flexibility Analysis

The proposed amendments do not impose any new reporting or recordkeeping requirements on “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. There are no professional services required as a result the proposed amendments. The services of a heating, ventilating, air conditioning, and refrigeration (HVACR) contractor or liquefied petroleum gas contractor are already required; the proposed amendments simply reference those requirements for permits for proposed work within the scope of those licensed trades. As the Uniform Construction Code, N.J.A.C. 5:23, establishes requirements for building safety and accessibility, there is no basis for differential treatment of small businesses. It is not anticipated that the proposed amendments would have a discernible economic impact. (See the Economic Impact statement above.)

Housing Affordability Impact Analysis

It is not anticipated that the proposed amendments would have any impact on the average cost of housing or any effect on the affordability of housing. As described above, the proposed amendments make corrections and clarifications to the administrative provisions of the Uniform Construction Code.

Smart Growth Development Impact Analysis

It is not anticipated that the proposed amendments would have any impact on smart growth and it is not anticipated that these proposed amendments would evoke a change in housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan. As described above, the proposed amendments make corrections and clarifications to the administrative provisions of the Uniform Construction Code.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

5:23-2.2 Matter covered

(a) The provisions of the regulations shall apply to all buildings and structures and their appurtenant construction, including vaults, area and street projections, and accessory additions;

and shall apply with equal force to municipal, county, State, and private buildings, except where such buildings are otherwise specifically provided for by the regulations.

1. Manufacturing, production, and process equipment, as defined at N.J.A.C. 5:23-1.4, is not under the jurisdiction of the Uniform Construction Code. **Equipment, processes, or operations involving combustible dust as defined by the building subcode shall not be considered manufacturing, production, or process equipment, and, therefore, shall be subject to the requirements of this chapter.**

(b) – (e) (No change.)

5:23-2.6 Change of use

(a) (No change.)

(b) Change of use: It shall be unlawful to change the use of any structure or portion thereof without the prior application for and issuance of a certificate of occupancy as [herein] provided **below.**

1. A certificate of occupancy shall be issued, provided such structure shall comply with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode. **After a change of use has been made to a building or structure, the reestablishment of a prior use is prohibited, unless the building complies with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode, for the prior use.**

i. (No change.)

2. – 3. (No change.)

5:23-2.7 Ordinary maintenance

(a) – (b) (No change.)

(c) The following items are ordinary maintenance and shall be treated as such by every enforcing agency. No permit for, inspections of, or notice to the enforcing agency of ordinary maintenance shall be required. This is not an all-inclusive listing of ordinary maintenance.

1. Ordinary building maintenance shall include:

i. – xii. (No change.)

xiii. The installation of any roll or batt insulation when installed adjacent to or not more than one and a half inches from an interior finish; [and]

xiv. Replacement of exterior rain water gutters and leaders[.]; **and**

xv. The installation of a storable spa or hot tub that is provided with a lockable safety cover that complies with ASTM F1346.

2. (No change.)

3. Ordinary electrical maintenance shall include:

i. The replacement of any receptacle, switch, or lighting fixture [rated at 20 amps or less and operating at less than 150 volts to ground], **or part thereof**, with a like or similar item[, including receptacles]. **Receptacles** in locations where ground-fault circuit interrupter protection, damp/wet, or tamper-resistant are required [(Sections 210.8, 406.8 and 406.11, respectively,] **shall comply with Section 406.4(D)** of the electrical subcode[]];

ii. – v. (No change.)

4. (No change.)

5. Ordinary heating, ventilation, and air conditioning maintenance shall include:

i. – iii. (No change.)

iv. Repair of air conditioning equipment and systems; [and]

v. Repair or replacement of control devices for heating and air conditioning equipment; [and]

vi. Replacement of kitchen range hoods in [single family] dwelling[s.] **units, provided the replacement hood exhaust rate does not exceed the exhaust rate of the existing hood or the exhaust rate of the replacement hood does not exceed 400 cfm;**

vii. Replacement of clothes dryers serving and located within dwelling units, provided that no change in fuel type or location or electrical characteristics is required[.];

viii. Replacement of stoves and ovens in dwelling units, provided no change in fuel type or location or electrical characteristics is required[.]; **and**

ix. The replacement of bathroom exhaust fans in dwelling units.

6. (No change.)

5:23-2.14 Construction permits--when required

(a) (No change.)

(b) The following are exceptions from (a) above:

1.- 4. (No change.)

5. [Gas] **A gas** utility company shall not be required to obtain a permit or give notice to the enforcing agency for **the** replacement of interior gas utility company-owned metering (meter and related appurtenances) [by] **with** exterior gas utility company owned-metering [if] **provided that** the work is performed by qualified employees of the gas utility company.

i. When the work is performed by a contractor hired by the gas utility, the following shall apply:

(1) The contractor must be a licensed master plumber or a licensed heating, ventilation, air conditioning, and refrigeration contractor;

(2) The utility company must have in place a quality control program, staffed by employees of the utility company, to oversee the work of the contractor. The quality control personnel will inspect and provide documentation for all work performed by the contractor;

(3) The utility company must deliver, to the local enforcing agency, a list of all addresses where the work will be performed;

(4) The local enforcing agency will randomly choose 10 percent of the addresses and issue permits and perform inspections of the completed work. Fees will be paid for these permits.

(A) If the rate of failed inspections is 20 percent or greater, the Department shall be notified and 50 percent of all of the utility company's work associated with this program must be inspected in accordance with this protocol until the failure rate is reduced to below 20 percent; and

(5) Certificates of approval will be issued only for those addresses where construction permits were issued.

6. – 10. (No change.)

(c) – (g) (No change.)

5:23-2.15 Construction permits—application

(a) The application for a permit shall be submitted on the standard Construction Permit Application form prescribed by the Commissioner at N.J.A.C. 5:23-4.5(b)2 and shall be

accompanied by the required fee, as provided for in this subchapter and N.J.A.C. 5:23-4. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure, and all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the construction official, which shall include, but not be limited to, the following:

1. – 5. (No change.)

6. For Class 1 structures or [any structure with] **for** a smoke control system **installed in any structure**, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals, or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode;

7. – 8. (No change.)

(b) In addition **to (a) above**, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1. (No change.)

2. The name and license number of the contractor(s) or subcontractor(s) for plumbing, [and for] electrical, **or heating, ventilation, air conditioning, and refrigeration** work, where such work is proposed.

i. Plumbing, [and] electrical, **and heating, ventilation, air conditioning, and refrigeration** work shall not be undertaken, except by persons licensed to perform such work pursuant to law, except in the case of a [single family] **single-family** homeowner on his **or her** own dwelling.

ii. The seal and signature of the licensed plumbing, [and] electrical, **or heating, ventilation, air conditioning, and refrigeration** contractor(s) shall be affixed to the corresponding subcode application form.

3. The name and address of the contractor or subcontractor for installation, alteration, repair, or replacement work on liquefied petroleum gas systems, where such work is proposed.

i. **Work on liquefied petroleum gas systems shall be undertaken only by persons certified to perform such work pursuant to N.J.A.C. 5:18, except in the case of a single-family homeowner performing work on his or her own dwelling, licensed plumbing contractors, or licensed heating, ventilating, air conditioning, and refrigeration contractors.**

ii. **The certification number of the liquefied petroleum gas contractor shall be affixed to the corresponding subcode technical section.**

Recodify existing 3. – 11. as **4. – 12.** (No change in text.)

(c) (No change.)

(d) Application for a permit shall be made by the owner[,] or his **or her** agent, a licensed engineer, architect, [or] plumbing, electrical, **heating, ventilation, air conditioning, and refrigeration**, or other contractor employed in connection with the proposed work. If the application is by a person other than the owner [in fee], it shall be accompanied by an affidavit of the owner or the authorized person making the application, that the proposed work is authorized by the owner [in fee], and that the applicant is authorized to make such application. All issued permits shall remain the property of the owner, even if the application was made by a contractor or authorized agent.

(e) (No change.)

(f) Plans, plan review, plan release:

1. Plans and specifications: The application for the permit shall be accompanied by no fewer than two copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. Plans submitted shall be required to show only such detail and include only such information as shall be necessary to demonstrate compliance with the requirements of the code and these regulations or to facilitate inspections for code conformity. When quality of materials is essential for conformity to the regulations, specific information shall be given to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

i. – iii. (No change.)

iv. Plumbing plans and specifications shall contain: Floor plan; fixtures, pipe sizes, and other equipment and materials; [isometric] **riser diagram(s)** with pipe sizes, fixture schedule, and sewage disposal.

v. Mechanical plans and specifications shall contain: Floor or ceiling plans; equipment, distribution location, size, and flow; **gas riser diagram(s) with pipe sizes and input ratings**; location of dampers and safeguards; and all materials.

vi. Energy calculations: Calculations showing compliance with the energy subcode shall be submitted for all new buildings and additions to existing buildings. As provided in (f)1vii below, these calculations shall be signed and sealed by the design professional, with the exception of calculations for class 3 structures, which may be submitted by the [mechanical] **heating, ventilation, air conditioning, and refrigeration** contractor.

(1) For detached one- and two-family residential buildings and other residential buildings three stories or less in height, compliance may be demonstrated by the submission of [Energy Star] **NJ Clean Energy Program for Residential New Construction** compliance documentation **or other “above code” program documentation**, the submission of printouts from software recognized by the Department, such as REScheck, or conforming with the prescriptive packages described in [Bulletin 11-1] **the current energy subcode compliance bulletin**. REScheck software is available from the U.S. Department of Energy at www.energycodes.gov.

(A) To document compliance using REScheck, users shall meet or exceed the [IECC/2009] **applicable provisions of the energy subcode**. Please see [Bulletin 11-1] **the current energy subcode compliance bulletin** for further guidance.

(2) For all other buildings, compliance may be shown with the COMcheck compliance software or equivalent, submission of the compliance forms found in the COMcheck user's manual or the ASHRAE 90.1 user's manual for the edition of ASHRAE adopted under the energy subcode. The COMcheck user's manual and software are available from the U.S. Department of Energy at www.energycodes.gov. The ASHRAE 90.1 user's manual is available from the American Society of Heating, Refrigerating and Air-conditioning Engineers Inc., at www.ashrae.org.

(A) To document compliance using COMcheck, users shall meet or exceed the [ASHRAE/2007] **applicable provisions of the energy subcode**. Please see [Bulletin 11-1] **the current energy subcode compliance bulletin** for further guidance.

vii. Engineering details and specifications: The construction official and appropriate subcode official may require adequate details of structural, mechanical, plumbing,

and electrical work, including computations, stress diagrams, and other essential technical data to be filed. All engineering plans and computations shall bear the seal and signature of the licensed engineer or registered architect responsible for the design. Plans for buildings shall indicate how required structural and fire-resistance rating will be maintained for penetrations made for electrical, mechanical, plumbing, and communication conduits, pipes, and systems.

(1) Plumbing plans for class 3 structures may be prepared by persons licensed pursuant to “The Master Plumber Licensing Act,” N.J.S.A. 45:14C-1 et seq. Electrical plans for class 3 structures may be prepared by persons licensed pursuant to “The Electrical Contractors Licensing Act,” N.J.S.A. 45:5A-1 et seq.[;].

(2) Whenever the licensing board pursuant to either of the above Acts shall provide for a seal evidencing that the holder is licensed, such shall be acceptable to the enforcing agency in lieu of affidavit[;].

(3) Mechanical plans for class 3 structures may be prepared by [mechanical] **licensed heating, ventilation, air conditioning, and refrigeration** contractors.

viii. – xii. (No change.)

2. – 4. (No change.)

5:23-2.15A Construction permit for a single-family residence

(a) (No change.)

(b) Plans containing the following information shall be considered to meet the requirements of

(a) above:

1. – 2. (No change.)

3. The following details and submissions shall be required:

i. – v. (No change.)

vi. Energy subcode compliance, applicable to new residences and additions to existing residences, shall be demonstrated with either detailed calculations, the submission of [Energy Star] **NJ Clean Energy Program for Residential New Construction** compliance documentation **or other “above code” program documentation**, the submission of printouts from software recognized by the Department, such as REScheck, or conforming with the prescriptive packages described in [Bulletin 11-1] **the current energy subcode compliance bulletin**. REScheck software is available from the U.S. Department of Energy at www.energycodes.gov.

(1) To document compliance using REScheck, users shall meet or exceed the [IECC/2009] **applicable requirements of the energy subcode**. Please see [Bulletin 11-1] **the current energy subcode compliance bulletin** for further guidance.

4. The drawings shall bear the seal and signature of the registered architect or licensed engineer who prepared the plans affixed to each sheet of each copy of the plans submitted and on the first or title sheet of the specifications and any additional supportive information submitted.

i. (No change.)

ii. Plumbing plans, electrical plans, and [mechanical] **heating, ventilation, air conditioning, and refrigeration** plans may be prepared by licensed plumbers, licensed electrical contractors, and [mechanical] **licensed heating, ventilation, air conditioning, and refrigeration** contractors, respectively, in accordance with these regulations.

(1) Energy subcode compliance documentation from (b)3vi above may be submitted by the [mechanical] **licensed heating, ventilation, air conditioning, and refrigeration** contractor.

5. – 7. (No change.)

5:23-2.20 Tests and special inspections

(a) (No change.)

(b) All special inspections, as provided in the building subcode, shall apply to Class 1 buildings and [any building that contains] a smoke control system **installed in any building**. A special inspector shall be independent of the contractor and shall be responsible to the building owner or building owner's agent. Special inspectors shall be certified in the appropriate specialty.

1. (No change.)

(c) – (e) (No change.)

5:23-2.23 Certificate requirements

(a) – (e) (No change.)

(f) Change of use: **It shall be unlawful to change the use of any structure, or portion thereof, without the prior application for, and issuance of, a certificate of occupancy. A certificate of occupancy shall be issued, provided such structure shall comply with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode.** After a change of use has been made in a building or structure, the reestablishment of a prior use is prohibited, unless the building complies with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode, for the prior use.

(g) – (q) (No change.)

5:23-2.35 Enforcement actions after issuance of certificate(s) of occupancy

(a) Subsequent to the issuance of a certificate of occupancy, the construction official shall issue a notice of violation for any violation of the provisions of the Code in effect at the time of permit application that comes to his or her attention. Pursuant to N.J.S.A. 2A:14-1.1, no notice of violation may be issued to the developer or to any contractor more than 10 years after issuance of the certificate of occupancy.

1. If violations of any of the following provisions of the Code in effect at the time of permit application are found in a residential structure in a development, other than Group R-1, subsequent to the issuance of a certificate of occupancy, the construction official shall issue such notices and orders as may be necessary to ensure that all units within the development that might have similar violations are inspected for such violations and that any such violations found are cited and abated:

i. N.J.A.C. 5:23-2.32, Unsafe structures;

ii. The following provisions of the building subcode:

(1) (No change.)

(2) Chapter 7, [Fire-resistant Rated Construction] **Fire and Smoke**

Protection Features;

(3) – (4) (No change.)

(5) Chapter 10, Means of Egress, except for sections [1009.4.4, 1009.4.5, 1009.12, 1009.13, 1028.11, 1028.13 and 1028.14] **1011.5.4, 1011.5.5, 1011.11, 1011.12, 1029.13, 1029.15, and 1029.16;**

iii. The following provisions of the one- and two-family dwelling subcode:

(1) Section [R-302.1] **R302.1, Exterior walls (Fire-Resistant Construction)** [for Exterior Walls];

[(2) Section R-314, Smoke Alarms; and]

(2) Section R302.2, Townhouses (Fire-Resistant Construction);

(3) Section[s R-302.2 and] R-302.3, **Two-family dwellings (Fire-Resistant Construction)** [for Townhouses and Two-Family Dwellings]; **and**

(4) Section R314, Smoke Alarms.

iv. The following provisions of the electrical subcode:

(1) Section 240.3, [Protection of Equipment Against Overcurrent] **Other**

Articles;

(2) Section 240.4, Protection of Conductors [Against Overcurrent];

(3) (No change.)

v. – vi. (No change.)

2. (No change.)

5:23-2.37 Elevation of an existing building

(a) Service connections: Before a building can be elevated, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer, and other connections. A permit to elevate shall not be issued until releases are obtained from all utilities that provide service to the property, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed or plugged in a safe manner.

1. Exception: No release from the utility shall be required for the disconnection of water or sewer service outside of the utility right-of-way.

(b) - (d) (No change.)

SUBCHAPTER 3. SUBCODES

5:23-3.2 Matters covered; exceptions

(a) – (c) (No change.)

(d) Rules concerning commercial farm buildings are as follows:

1. – 11. (No change.)

12. Commercial farm buildings exempted under (d)11i above shall meet the following requirements in lieu of those requirements specified in the subsections of Chapter 10, Means of Egress, of the building subcode:

i. In lieu of the requirements of Section [1016] **1017**, the maximum distance of travel from any point in the building to an exit shall not exceed 150 feet;

ii. In lieu of the requirements of Sections [1021.1] **1006** and [1021.2] **1007**, one exit is required for each 15,000 square feet of floor area and fraction thereof;

iii. In lieu of the requirements of Section [1011] **1013**, exit signs must be posted.

Exit signs are not required to be illuminated;

iv. The provisions of Section [1003.2.11] **1008** shall apply in commercial farm buildings where the owner has determined to provide electricity. Where electricity is provided, any electric light provided in the commercial farm building shall be deemed to meet the means of egress lighting requirements and a back up power source shall not be required unless the

commercial farm building will be used as a place of public assembly in accordance with [(d)7] (d)8 above.

v. – vii. (No change.)

13. (No change.)

5:23-3.4 Responsibilities

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

1. (No change.)

2. Plumbing Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
Ch. 10	Water Supply and Distribution	Plumbing (except 10.5.9)	Plumbing
	10.5.9	Fire/ Plumbing	Plumbing (except dedicated fire service supply) Fire (dedicated fire service supply)
...			

3. (No change.)

4. Energy Subcode:

International Energy Conservation Code

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
Ch. 4 (RE)	Residential Energy Efficiency		
...			
	[R403.2	Plumbing	Plumbing]
...			

ASHRAE Standard 90.1

(No change.)

5. (No change.)

6. One- and Two-Family Dwelling Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
Ch. 11	Energy Efficiency		
...			
	[N1103.2	Plumbing	Plumbing]
...			

7. – 9. (No change.)

(b) - (c) (No change.)

(d) Any mechanical inspector employed by the Department or by a municipality, and so assigned by the construction official, shall have the responsibility for enforcement of the provisions of the code, except **work involving the installation or replacement of backflow preventers or electrical work**, [relating to the installation of mechanical equipment, such as refrigeration, air conditioning or ventilating apparatus, gas piping or heating systems, or stand-by power generators, in Group R-3, R-4, or R-5 structures] **for the installation and replacement of**

heating or cooling equipment or water heaters or other mechanical equipment, such as refrigeration, air conditioning, or ventilating apparatus, gas piping or heating systems, or stand-by power generators, in existing buildings of Group R-3, R-4, or R-5. For a new installation, the mechanical inspector shall have this enforcement responsibility, provided that the installation does not penetrate a fire-rated assembly.

1. When no mechanical inspector is assigned, the construction official shall assign the plumbing subcode official **or a plumbing inspector**, who shall have the responsibility for the enforcement of provisions of the code, except electrical, for the installation and replacement of heating or cooling equipment or water heaters or other mechanical equipment [in existing buildings], such as refrigeration, air conditioning, or ventilating apparatus, gas piping or heating systems, or stand-by power generators, in existing buildings of Group R-3, R-4, or R-5. A plumbing subcode official **or plumbing inspector** need not be a mechanical inspector to perform these inspections.

5:23-3.8 Products violating the Code

(a) – (c) (No change.)

(d) The Commissioner has determined that the following materials and supplies are not in conformance with the State Uniform Construction Code:

1. Building materials and supplies:

i. Wood paneling being used as an interior finish not in conformance with section [803.2] **803.1** of the building subcode. This section specifies that finish shall be classified in accordance with ASTM E84;

ii. Carpeting used as an interior floor finish material not in conformance with section [805.2] **804** of the building subcode. This section specifies that interior floor finish shall be classified in accordance with ASTM E648; and

2. – 4. (No change.)

5:23-3.14 Building subcode

(a) (No change.)

(b) The following chapters of the building subcode are modified as follows:

1. – 9. (No change.)

10. Chapter 11, Accessibility, shall be amended as follows:

i. (No change.)

ii. In Section 1101.2, Design, “amended as follows:” shall be added to the end of the sentence and the following list shall be inserted:

1. -8. (No change.)

9. Sections [804.6.2] **804.5.2**, entitled "Operable Parts," [804.6.3] **804.5.3**, entitled "Dishwasher," [804.6.4] **804.5.4**, entitled "Cooktop," [804.6.5] **804.5.5**, entitled "Oven," and [804.6.6] **804.5.6**, entitled "Refrigerator/Freezer," shall be deleted in their entirety.

10. -11. (No change.)

12. Amend section 1003.3.1, entitled "[Accessible route] **Location**," as follows: Insert "1." before the existing exception and delete "unfinished" in two places.

Additionally, insert "Exception 2. An accessible route is not required to exterior decks, patios, or balconies that have impervious or improved surfaces that are not more than four (4) inches below the finished floor level of the adjacent interior space of the dwelling unit."

13.-20. (No change.)

iii. - v. (No change.)

vi. Section 1104.1, Multilevel buildings and facilities, shall be deleted and the following shall be inserted:

“1104.4 Multilevel nonresidential buildings and multilevel buildings of Group R-1.

1104.4.1 Small Buildings. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have at least one accessible entrance on the ground (or first) floor and accessible interior building features on all floors. Except as provided in Sections 1104.4.1.1 – 1104.4.1.4, small buildings that are not more than two stories shall not be required to have an elevator(s) to provide a vertical accessible route between floors. Small buildings that are three or more stories shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

1104.4.1.1 Regardless of the square footage of the buildings or floors, buildings of two or more stories that are owned and occupied by public entities shall provide a vertical accessible route between floors.

1104.4.1.2[.] Regardless of the square footage of the buildings or floors, buildings of two or more stories that house public transit stations or airport passenger terminals shall provide a vertical accessible route between floors.

1104.4.1.3 Regardless of the square footage of the buildings or floors, buildings of two or more stories that house the professional offices of health care providers shall provide a vertical accessible route between floors.

1104.4.1.4 Regardless of the square footage of the buildings or floors, buildings of two or more stories that house shopping centers or shopping malls shall provide a vertical accessible route between floors.

1104.4.1.4.1 For the purposes of applying this requirement, a shopping center or shopping mall shall mean a building or a series of buildings on a common site, under common ownership or control, or developed as one project or as a series of related projects housing five or more sales or rental establishments.

1104.4.2 Large buildings. Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more, shall provide the accessible building features required of small buildings in Section 1104.4.1. In addition, large buildings shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

1104.4.2.1 Where facilities for employees, including rest rooms, lunch rooms, and lockers, and public facilities, including rest rooms and drinking fountains, are provided on a floor or mezzanine that is not required to be served by an elevator and where no vertical accessible route is provided, the facilities provided on the floor or mezzanine must also be provided on the accessible level.

1104.4.2.2 A limited use limited application elevator that complies with ANSI/ASME A17.1 adopted by reference in the building subcode may be used to provide a

vertical accessible route to [the] a floor or mezzanine, **of less than 3,000 square feet**, provided that the travel distance does not exceed 25 feet.

1104.4.3 For the purposes of applying these provisions, buildings separated by firewalls with penetrations intended for human passage shall not constitute separate buildings.

1104.4.4 The following provisions shall apply to a nonresidential building required to be accessible, whether a large building or a small building.

1104.4.4.1 An accessible route available to the general public shall not pass through kitchens, storage rooms, or similar spaces.

1104.4.4.2 In buildings, facilities, or portions thereof that primarily serve children, accessible facilities that comply with the provisions of this subchapter for use by adults shall be provided.”

vii. In Section 1105.1, Public entrances, after “... at least sixty percent of all public entrances shall be accessible.” insert “The primary entrance(s) used by the general public shall be accessible.”

Recodify existing vii. – xix. as **viii. – xx.** (No change in text.)

xxi. Section 1107.5.5 shall be added as follows: 1107.5.5: Assisted living facilities that are licensed by the Department of Health are Group I-2 for compliance with the building subcode, fire protection subcode, and the other subcodes of the Uniform Construction Code and shall be Group R-2 for the purposes of accessibility.

1107.5.5.1. Dwelling units that are available for occupancy only for 30 or more consecutive days shall be required to comply with Section 1003 of ICC/ANSI A117.1.

1107.5.5.2. Where an assisted living facility includes dwelling units or rooms that are available for occupancy for fewer than 30 consecutive days, 50 percent of those dwelling units or rooms shall be accessible in conformance with Section 1002 of ICC/ANSI A117.1 and shall include one full bathroom that complies with Section 1002 of ICC/ANSI A117.1 and, where a kitchen is provided, it shall comply with Section 1002 of ICC/ANSI A117.1.

1107.5.5.3 In dwelling units in an assisted living facility that are designated Group R-2 for the purposes of accessibility, the following may be adaptable:

1107.5.5.3.1 The threshold for an accessible transfer shower may be adaptable as long as the shower threshold can be adapted with minimal expense and effort to be accessible; and

1107.5.5.3.2 A transfer-type shower of 36 inches by 48 inches that includes an accessible seat may be provided in individual dwelling units. The threshold of this shower shall not exceed four inches.

Recodify existing xx.-1. as **xxii. – lii.** (No change in text.)

11. – 26. (No change.)

5:23-3.15 Plumbing subcode

(a) (No change.)

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

1. – 8. (No change.)

9. Chapter 10 of the plumbing subcode, entitled “Water Supply and Distribution,” shall be amended as follows:

i. – iv. (No change.)

v. Section 10.5.9a, Protection from Fire Systems, Exception (4) shall be deleted and the following inserted: “(4) Where fire protection systems supplied from a potable water system include a fire department [(Siamese)] connection which is located less than 1,700 feet from a non-potable water source, the water supply shall be protected by one of the following:

(i) Reduced pressure backflow preventer assembly; or

(ii) Reduced pressure detector assembly.”

vi. – viii. (No change.)

10. – 19. (No change.)

5:23-3.22 Fuel gas subcode

(a) (No change.)

(b) The following chapters, sections, or pages of the International Fuel Gas Code/2015 shall be amended as follows:

1. – 5. (No change.)

6. Chapter 6 of the fuel gas code, entitled “Specific Appliances,” shall be amended as follows:

i. In Section [614.8] **614.10**, Common exhaust systems for clothes dryers located in multistory structures, item 7, insert “, if provided,” after the word “and”.

ii. – iii. (No change.)

7. – 9. (No change.)

SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES

5:23-4.26 Certification of building elements

(a) Building elements shall be certified in accordance with the following provisions:

1. Building elements, such as fire walls, fire separation walls, wall panels, pre-stressed/prefabricated floor or roof panels, and pre-engineered structural frames, built in accordance with the New Jersey Uniform Construction Code, may be approved by (a)1i or ii below:

i. – ii. (No change.)

iii. If applicable, Fabricator Approval per Section [1704.2.2] **1704.2.5.1** of the building subcode is required for Class 1 buildings in addition to (a)1i or ii above.

SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS

5:23-5.3 Types of licenses and certifications

(a) Rules concerning code enforcement licensure and certification categories are:

1. Technical licenses: Subject to the requirements of this subchapter, persons may apply for and may be licensed in the following specialties:

i. – vi. (No change.)

vii. Mechanical inspector: Mechanical inspectors are authorized to carry out field inspection and plan review work for all work under the mechanical subcode in **existing** structures of Group R-3, **R-4**, or R-5. Only a person already holding a valid inspector's license may apply for a mechanical inspector's license.

2. – 3. (No change.)

4. Special inspector certifications: Subject to the requirements of this subchapter, persons may apply for and may be certified in the following specialties:

i. Structural welding special inspector: Structural welding special inspectors are authorized to carry out field inspections pursuant to section [1704.3.1] **1705.2.1, 1705.2.2, and 1705.3.1** of the building subcode.

ii. Structural steel and bolting special inspector: Structural steel and bolting special inspectors are authorized to carry out field inspections pursuant to section[s 1704.3.2 and 1704.3.3] **1705.2.1** of the building subcode.

iii. Concrete placement special inspector: Concrete placement special inspectors are authorized to carry out field inspections pursuant to section [1704.4] **1705.3, except section 1705.3.1**, section [1704.9] **1705.7** and Table [1704.4] **1705.3**, rows **1, 2, 3, 4, 5, 6, 7, 8, 10, 11,** and 12 of the building subcode.

iv. Reinforced concrete special inspector: Reinforced concrete special inspectors are authorized to carry out field inspections pursuant to section [1704.4] **1705.3, except section 1705.3.1**, section [1704.9] **1705.8** and Table [1704.4] **1705.3**, rows 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 12 of the building subcode.

v. Prestressed concrete special inspector: Prestressed concrete special inspectors are authorized to carry out field inspections pursuant to section [1704.4] **1705.3, except section 1705.3.1** and Table [1704.4] **1705.3**, rows **1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,** and 12 of the building subcode.

vi. Structural masonry special inspector: Structural masonry special inspectors are authorized to carry out field inspections pursuant to section [1704.5 and section 1704.11] **1705.4** of the building subcode.

vii. Spray-applied fireproofing special inspector: Spray-applied fireproofing special inspectors are authorized to carry out field inspections pursuant to section [1704.10] **1705.14** of the building subcode.

viii. Exterior insulation finish system (EIFS) special inspector: EIFS special inspectors are authorized to carry out field inspections pursuant to section [1704.12] **1705.16** of the building subcode.

SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE

5:23-12.8 Alterations, minor work, ordinary elevator maintenance

(a) For the purposes of this subchapter, alteration of an elevator device means any change to equipment other than minor work as provided in (b) below and ordinary maintenance, as defined in N.J.A.C. 5:23-[2.7(b)6]**2.7(c)6**. Alteration of an elevator device shall comply with the applicable requirements of Section 8.7 and Appendix L of the most recent edition of ASME A17.1, referenced in the building subcode, or with the applicable requirements of the most recent edition of ASME A18.1, or ASME A90.1 referenced in the building subcode.

(b) (No change.)