

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Proposed Amendments: N.J.A.C. 5:23-2.15, 2.17A, 4.5, 4.18, 4.20, and 9.2**

Authorized By: Lori Grifa, 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 2012-008.

Submit written comments by March 3, 2012 to:

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The agency proposal follows:

**Summary**

The Department is proposing amendments to Subchapters 2, 4, and 9 of the Uniform Construction Code rules, N.J.A.C. 5:23. Summaries of the amendments proposed to each subchapter are as follows:

- 1. N.J.A.C. 5:23-2.15(f)1vi, 4.5(b)2, and 9.2(b)** – These proposed amendments update the reference to the energy subcode compliance bulletin which addresses the currently adopted

energy subcode, the International Energy Conservation Code (IECC)/2009 and American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) Standard 90.1-2007, at N.J.A.C. 5:23-2.15 and 9.2. These sections also are amended to delete the reference to the Department as a source of the software used to verify compliance. The software is available from the U.S. Department of Energy website. The proposed amendment to N.J.A.C. 5:23-4.5(b)2 adds the insulation and air barrier checklist from Bulletin 11-1 to the list of standard forms.

**2. N.J.A.C. 5:23-2.17A, 4.18 and 4.20** – These proposed amendments would allow Managed Facilities Voice Networks (MFVNs) to be used without making the owner of a building apply for a full permit to change phone lines. The proposed amendments at N.J.A.C. 5:23-2.17A(c)5v and (d)1i are needed to allow the removal of existing phone lines and installation of a new transmission means, specifically when dealing with digital alarm communicator transmitters. This modification will require verification to be submitted to the fire subcode official that the fire alarm signals to the supervising stations are being maintained. A verification form will be provided as part of this proposal on the Division of Codes and Standards website for the contractor’s use with the needed items to be verified. Lastly, the proposed amendments at N.J.A.C. 5:23-4.18(c)4 and 4.20(c)2iv(10) set a minimum fee for the transmission line change.

**3. N.J.A.C. 5:23-4.5(b)1 and 5** – Over the years, forms have been added to N.J.A.C. 5:23-4.5(b) but it may not have been practical or necessary to obligate local enforcing agencies to supply these forms. This is even less necessary now that the forms are available on the Division’s webpage. For this reason, the proposed amendments to N.J.A.C. 5:23-4.5(b)1 and 5 preserve the section’s original intent; the Department retains the ability to establish form and content

without creating the obligation for the municipalities to supply the forms. The proposed additional language clarifies that the local enforcing agency must print only applications for use by the public and forms for its own use.

- 4. N.J.A.C. 5:23-4.5(h)** – The proposed amendment at N.J.A.C. 5:23-4.5(h)1xx will establish a requirement for the construction official to notify the fire official of the issuance of a permit for the installation of a photovoltaic system within 10 business days of issuance. Photovoltaic systems present a special hazard for firefighters and the notice requirement is intended to ensure that the presence of the system is known.

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**

The proposed amendments to N.J.A.C. 5:23-2.15, 4.5(b), and 9.2 are expected to have the beneficial effect of promoting clarity and eliminating possible sources of confusion in that they would conform the State Uniform Construction Code rules to the most recent editions of the adopted energy subcode and make other changes of a technical or corrective nature. The proposed amendments regarding MFVNs streamlines permit requirements for a change of phone lines serving as the transmission means for a fire alarm system. The proposed notice to the local fire official regarding photovoltaic systems is intended to promote firefighter safety in the event of a fire service response.

#### **Economic Impact**

The proposed amendments would not be expected to have an economic impact, aside from such benefit as may be expected to result from conforming the State Uniform Construction Code rules to the most recent edition of the adopted energy subcode and making other changes of

a technical or corrective nature. Allowing MFVNs to be used without making the owner of a building apply for a full permit to change phone lines reduces fees to the public.

#### **Federal Standards Statement**

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

#### **Jobs Impact**

The proposed amendments are not expected to have an impact on the generation or loss of jobs.

#### **Agriculture Industry Impact**

The Department does not anticipate that the proposed amendments would impact the agriculture industry.

#### **Regulatory Flexibility Statement**

Inasmuch as the proposed amendments involve updates, clarifications and actions to be taken by the local enforcing agency, the proposed amendments are not expected to impose any reporting, recordkeeping or compliance requirements on "small businesses" as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., or to require them to engage any professional services they would not otherwise need to engage. Small businesses changing phone lines which serve as the transmission means for a fire alarm system may be expected to benefit from the proposed amendment to treat changes to MFVNs as minor work as described in the Economic Impact statement.

### **Housing Affordability Impact Analysis**

The proposed amendments are intended to conform the State Uniform Construction Code rules to the most recent edition of the adopted energy subcode and make other changes of a technical or corrective nature. The amendments would not be likely to have an impact on the production of affordable housing.

### **Smart Growth Development Impact Analysis**

The proposed amendments are intended to conform the State Uniform Construction Code rules to the most recent edition of the adopted energy subcode and make other changes of a technical or corrective nature. The amendments would be not be likely to have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

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

5:23-2.15 Construction permits—application

(a) – (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. – v. (No change.)

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 III structures which may be submitted by the mechanical 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 compliance documentation, the submission of printouts from software recognized by the Department, such as REScheck, or conforming with the prescriptive packages described in Bulletin [07-2] **11-1**. REScheck software is available [from the Department of Community Affairs, Division of Codes and Standards at [www.nj.gov/dca/codes](http://www.nj.gov/dca/codes) or] from the U.S. Department of Energy at [www.energycodes.gov](http://www.energycodes.gov).

(A) To document compliance using REScheck, users shall **meet or** exceed the [IECC/2003 by two percent or more] **IECC/2009**. Please see Bulletin [07-2] **11-1** 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](http://www.energycodes.gov). The ASHRAE 90.1 user's manual is available from the American Society of Heating, [and] Refrigerating and Air-conditioning Engineers Inc. at [www.ashrae.org](http://www.ashrae.org).

(A) To document compliance using COMcheck, users shall meet or exceed the [ASHRAE/2004] **ASHRAE/2007**. Please see Bulletin [07-2] **11-1** for further guidance.

vii. – xii. (No change.)

2. – 4. (No change.)

5:23-2.17A Minor work

(a) – (b) (No change.)

(c) Minor work:

1. – 4. (No change.)

5. Minor work shall also mean and include the following:

i. – iii. (No change.)

iv. The installation of communications wiring in any Class 1 or Class 2 structure or any Class 3 structure involving the penetration of a fire-resistance rated assembly.

(1) For the purposes of applying this provision, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode; **and**

**v. Any change of an existing transmission means from a digital alarm communicator transmitter to a fire alarm supervising station.**

**(1) For the purposes of applying this provision, transmission means shall mean the existing phone line(s) that transmit fire alarm signals from a digital alarm communicator transmitter to the supervising station. A certified fire alarm service company, licensed fire alarm company or licensed electrical contractor shall submit Form F-391 signed by the contractor to provide a verification statement in writing to the fire subcode official within 24 hours that all required signals remain operational after the new transmission means is installed.**

6. – 7. (No change.)

(d) Inspection of minor work:

1. Inspections shall be required for minor work and the enforcing agency shall inspect any such work within 30 days of the request for inspection;

**i. Exception: The replacement of an existing transmission means shall not require an onsite inspection by the fire subcode official as long as the verification form required by (c)5v(1) above is received within 24 hours of installation; and**

2. (No change.)

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

(a) (No change.)

(b) Forms:



1. The construction official shall ensure that all necessary **application** forms [and applications] are available to the public at the central permit office.

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

Form No.	Name
...	...
<b>F391</b>	<b>Digital Alarm Communicator Transmitters (DACT) utilizing Managed Facility Voice Networks (MFVN) Verification Form</b>
<b>F392</b>	<b>Air Barrier and Insulation Checklist</b>

3. – 4. (No change.)

5. Printing of forms: The municipal enforcing agency shall arrange for the printing of all forms **to be used in the office and application forms to be used by the public**. Other interested persons may also arrange for the printing of forms or may purchase and use forms printed by others. The municipal enforcing agency may provide for the inclusion of its name and other appropriate identifying information on the forms it has printed. However, the municipal enforcing agency shall accept forms not having municipal identification and shall, in any such case, insert the name of the municipality. All required forms shall be exact replicas of the forms required by the Commissioner, conforming in content, size, format and colors, except that all multi-part forms may be printed with an additional copy so long as the additional copy shall be in a color distinct from those specified by the Commissioner. Forms F-110, F-120, F-130 and F-

140 may have the Subcode Technical Sections printed in any color or colors of ink as desired and Form F-310 (Elevator Inspection) may be printed as a multipart form on separate pages with up to four copies of each page.

(c) – (g) (No change.)

(h) Duties of construction officials:

1. The construction official shall enforce the regulations and:

i. - xix. (No change.)

**xx. Within 10 business days of issuance, provide written notice to the fire official for the municipality appointed pursuant to N.J.S.A. 52:27D-203 of all permits issued for installations of roof-mounted photovoltaic systems;**

Recodify existing xx.-xxv. as **xxi.-xxvi.** (No change in text.)

2. (No change.)

(i) - (k) (No change.)

5:23-4.18 Standards for municipal fees

(a) – (b) (No change.)

(c) Basic construction fee: The basic construction fee shall be computed on the basis of the volume of the building or, in the case of alterations, the estimated construction cost, and the number and types of plumbing, electrical and fire protection fixtures and devices as herein provided.

1. – 3. (No change.)

4. Fees shall be based upon the number of sprinkler heads, standpipes, and detectors (smoke and heat) and shall be reasonable unit charges. Fees may also be charged for the

inspection of premanufactured fire suppression systems, for gas and oil fired appliances not connected to the plumbing system, for kitchen exhaust systems and for incinerators, **replacement of an existing transmission means as per N.J.A.C. 5:23-2.17A(c)5v**, and crematoriums. The municipal ordinance shall clearly set forth what fees are to be charged for what devices.

5. – 6. (No change.)

(d) – (l) (No change.)

#### 5:23-4.20 Department fees

(a) – (b) (No change.)

(c) Departmental (enforcing agency) fees shall be as follows:

1. (No change.)

2. The basic construction permit fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and rating of electrical devices, the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates and/or the applicable flat fees as provided herein plus any special fees.

i. – iii. (No change.)

iv. For fire protection and hazardous equipment, sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums, the fee shall be as follows:

(1) – (9) (No change.)

**(10) The fee for replacement of an existing transmission means as per N.J.A.C. 5:23-2.17A(c)5v shall be \$35.00.**

3. – 10. (No change.)

(d) – (e) (No change.)

5:23-9.2 Interpretation: 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 shall be demonstrated with either detailed calculations, Energy Star compliance documentation, the submission of printouts from software recognized by the Department, such as [RES Check] **REScheck**, or the prescriptive packages described in Bulletin [03-2] **11-1**. [RES Check] **REScheck** software is available [from the Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625 or] from the U.S. Department of Energy at [www.energycodes.gov](http://www.energycodes.gov).

4. – 7. (No change.)