

## **COMMUNITY AFFAIRS**

### **DIVISION OF CODES AND STANDARDS**

#### **Uniform Construction Code**

##### **Adopted Amendment: N.J.A.C. 5:23-3.4**

Proposed: January 19, 2021, at 53 N.J.R. 105(a).

Proposed Substantial Changes upon Adoption to Proposed Amendments: September 20, 2021, at 53 N.J.R. 1553(a).

Adopted: March 3, 2022, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs

Filed: March 24, 2022, as R.2022 d.053, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

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

Effective Date: April 18, 2022.

Expiration Date: February 9, 2029.

#### **Summary of Public Comments and Agency Responses:**

Comments on the original notice of proposed amendments were received from Kenneth Krug, Electrical Subcode Committee Member, and Mitchell Malec, a former employee of the Department of Community Affairs (Department).

Comments on the notice of proposed substantial changes upon adoption to proposed amendments were received from Mitchell Malec, a former employee of the Department.

**Comments Received During Initial Comment Period Giving Rise to Substantial Changes in  
Notice of Proposal Upon Adoption**

1. COMMENT: The two commenters expressed disagreement with the responsibilities assigned at Sections 3111.2 and 3111.3.5 of the building subcode and Sections R324.2 and R324.7 of the one- and two-family dwelling subcode and urged the Department to reconsider the assignments. The commenters' recommendations were as follows: "Considering that the Electrical Subcode addresses electrical items of solar energy (PV) systems, the majority, if not all, of electrical items contained in other subcodes are adequately covered for plan review and inspection by the Electrical Subcode Official.

Building subcode Section 3111.2 references Section 2606.12, the plumbing subcode, the IMC, and the IFC. Chapter 26 of the building subcode has building or building/fire for plan review responsibility and building for inspection responsibility and Section 2606.12 deals with plastic covers. In regard to equipment the Section 3111.2.1 references ICC 900 and ICC 901. (It is recommended that the Department review these ICC references to see what the scope is and consider what subcode official plan reviews and inspects fluid system components or review Chapter 14 of the mechanical subcode.) Section R324.2 references Chapter 23 which is special piping and storage systems. (Summary - '...solar thermal energy systems relating to the plumbing code, as well as PV systems.') It appears that assigning plan review and inspection responsibility of Sections 3111.2 and R324.2 to the Plumbing Subcode Official (and including the Building Subcode and Fire Subcode Official in plan review) would be more appropriate and is recommended. (In addition, review assigned enforcement responsibilities of Chapter 14 (Solar Thermal Systems) of the mechanical subcode.) Or the Department may want to be a bit creative

and further separate enforcement responsibilities of solar energy systems by thermal and photovoltaic systems.

Building subcode Section 3111.3.5 references Chapter 16 and the IFC. Chapter 16 is structural design and all of Chapter 16 except 1612.4 has plan review and inspection responsibility assigned to the Building Subcode Official. Also, R324.7 refers to R301 which addresses building loads and is assigned to the Building Subcode Official for plan review and inspection. It appears that assigning plan review and inspection responsibility of Section 3111.3.5 and R324.7 to the Building Subcode Official (and including the Fire Subcode Official in plan review) would be more appropriate and is recommended.”

**RESPONSE:** The Department agrees that the proposed responsibilities for solar thermal systems at Section 3111.2 of the building subcode and Section R324.2 of the one- and two-family dwelling subcode were assigned inappropriately. The Department also agrees that the proposed responsibilities for solar photovoltaic systems at Section 3111.3.5 of the building subcode was assigned inappropriately and agrees that the existing responsibility at Section R324.7 of the one- and two-family dwelling subcode needs to be reassigned to be consistent with this section of the building subcode. As such, the Department is making substantive changes to the solar energy systems sections to correct these assignments as noted by the commenter.

### **Comments Received During Initial Comment Period, Not Giving Rise to Changes in the Notice of Proposal**

2. COMMENT: The commenter recommended that the Department revise the responsibilities portion of the Uniform Construction Code (UCC) at N.J.A.C. 5:23-3.4 to list in alphabetical order those sections where multiple subcode officials are assigned plan review and/or inspection

duties. The commenter indicated various sections of the code where such revisions might be made.

RESPONSE: The Department did undertake an effort to alphabetize all sections at N.J.A.C. 5:23-3.4 when it undertook revisions proposed March 2, 2020, and adopted on November 2, 2020. The Department thanks the commenter for noting that some sections were missed; however, the Department does not see a pressing need to further amend the chart to address these listings at this time, as the section responsibilities remain clear as adopted.

3. COMMENT: The commenter noted that Section R321 of the one- and two-family dwelling subcode has been deleted and that the enforcement responsibilities currently assigned to Section R321, and its subsections are therefore unnecessary. Finally, the commenter recommended departmental review of Section R326 of the one- and two-family dwelling subcode, stating, “It appears the ISPSC sections need to be relocated under Section R326 in lieu of after Section R327 (NJAC 5:23-3.4(a)6). Also, the *International Swimming Pool and Spa Code* ISPSC sections noted may need to be changed along with assigned responsibilities due to amendments made to the ISPSC, other code sections, and the rules. (2015 Code editions versus 2018 Code editions. Example - No ‘Exceptions’ in 2018 ISPSC 305.1, so ‘(Except safety covers pursuant to Section 305.1, Exception 1 which shall be Electrical)’ needs correction.)”

RESPONSE: The Department agrees that further revision of the one- and two-family dwelling subcode responsibilities, along with the ISPSC, needs to be undertaken. Due to the amount of time needed to fully undertake the revision, and in the interest of correcting this more substantive item first, these changes are not included as a part of the substantive changes requiring further

public comment, as the Department intends to undertake separate rulemaking to address these sections.

**Comments Received upon Publication of Notice of Proposed Substantial Changes upon Adoption to Proposed Amendments at N.J.A.C. 5:23-3.4**

4. COMMENT: One commenter noted a formatting issue in the proposed substantial changes upon adoption and stated that, in amending the enforcement responsibilities for Section 3111.3.5 of the building subcode, there is no need to list Section 3111.3.5.1 separately in the chart, since the responsibility assignment is the same for both sections. The commenter recommended the latter section be deleted from the chart.

RESPONSE: The Department agrees and thanks the commenter for the recommendation. Upon adoption, Section 3111.3.5.1, which is a subsection of Section 3111.3.5 and is assigned the same plan review and inspection responsibilities, is deleted from the chart delineating building subcode responsibilities. The result of this deletion means that the assignment for this subsection is incorporated into the delineation of responsibilities for Section 3111.3.5. This further aligns this section of the building subcode with the corresponding sections listed within the one- and two-family dwelling subcode.

**Federal Standards Statement**

No Federal standards analysis is required for the adopted amendments because the amendments are not being adopted 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.

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

## SUBCHAPTER 3. SUBCODES

### 5:23-3.4 Responsibilities

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

#### 1. Building Subcode:

Chapter	Section>Title	Responsibility	
		Plan Review	Inspection
...			
Ch. 31	Special Construction		
	3111.1	Building	Building
	3111.2	Building/Fire/Plumbing	Plumbing
	3111.3.1	Electrical	Electrical
	3111.3.2	Building	Building
	3111.3.3	Building	Building
	3111.3.4	Fire	Fire
	3111.3.5	*[Electrical/Fire]* <b>*Building/Fire*</b>	*[Electrical]* <b>*Building*</b>
	*[3111.3.5.1]	Building/Fire	Building]*
	3112	Building	Building

...			
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2.-5. (No change.)

6. One- and Two-Family Dwelling Subcode

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
Ch. 3	Building Planning		
	R324.2	*[Electrical/Fire/Plumbing]*  *Building/Fire/Plumbing*	*[Electrical]*  *Plumbing*
...			
	R324.7	*[Electrical/Fire]*  *Building/Fire*	*[Electrical]*  *Building*
...			

7.-9. (No change.)

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