

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Carnival-Amusement Rides

Uniform Construction Code

Electrical Systems for Carnivals and Fairs

Proposed Amendments: N.J.A.C. 5:14A-9.2 and 9.7; and 5:23-2.14 and 2.20

Proposed New Rule: N.J.A.C. 5:23-2.18D

Authorized By: Lieutenant Governor Sheila Y. Oliver, Commissioner, Department of
Community Affairs.

Authority: N.J.S.A. 52:27D-119 et seq., and 5:3-36.

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

Proposal Number: PRN 2019–158.

Submit written comments by January 31, 2020, to:

Geraldine Callahan

Department of Community Affairs

PO Box 800

Trenton, New Jersey 08625

Fax No. (609) 984-6696

geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

The Department of Community Affairs (Department) proposes amendments and a new rule to the Uniform Construction Code (UCC), N.J.A.C. 5:23, and to the Carnival-Amusement

Rides Regulations, N.J.A.C. 5:14A, related to the manner in which electrical systems for carnivals and fairs are regulated. The proposed amendments and new rule establish a certificate of compliance that must be issued by a New Jersey State licensed electrical contractor or by a recognized electrical testing agency for the portable generator and associated components of the portable electrical system to be used at carnivals and fairs. The certification would be valid for one year from the date it is issued. Currently, these electrical systems are set up by carnival employees and inspected by the Department. Throughout other sections of the Uniform Construction Code, inspectors are looking at work that is performed by a licensed contractor. By having a licensed electrical contractor or recognized electrical testing agency certify the systems on an annual basis, the Department would have confirmation that a licensed electrical contractor has approved the system being used. This would result in fewer violations and provide an increased level of assurance that all equipment being used meets the electrical subcode of the UCC. A section-by-section description of proposed amendments and new rule follows:

1. Proposed new N.J.A.C. 5:14A-9.2(b)5 would require that the notice of planned schedules submitted to the Department includes the certificate of compliance for portable or vehicle-mounted generators, the associated components, and the portable distribution system.

2. Proposed new N.J.A.C. 5:14A-9.7(e) would require that portable or vehicle-mounted generators and all associated components be certified in accordance with N.J.A.C. 5:23-2.20(f) and comply with Article 525 of the electrical subcode of the UCC. Proposed new N.J.A.C. 5:14A-9.7(e)1 would further require that when components of a portable electrical system that are not included in the certificate of compliance are to be used, those components must be certified by a New Jersey State licensed electrical contractor or a recognized electrical testing agency prior to its use. The certification of the components must be maintained on site.

3. Proposed new N.J.A.C. 5:23-2.14(b)11 would state that no permit is required for the installation of portable or vehicle-mounted generators and the associated components of the portable distribution system serving carnivals and fairs when the system is in compliance with N.J.A.C. 5:23-2.18D. This would allow for quick installations of such systems, while ensuring their compliance with the UCC. The new paragraph would further specify that such installations will still be subject to inspection by the Department.

4. Proposed new N.J.A.C. 5:23-2.18D would establish requirements for carnival and fair electrical systems. It would be unlawful to operate portable or vehicle-mounted generators and the associated components of the portable distribution systems until the valid certificate of compliance issued in accordance with N.J.A.C. 5:23-2.20(f) has been made available to the Department. This section would also allow the Department to inspect the system upon receipt of the certificate of compliance.

5. At N.J.A.C. 5:23-2.20, which contains the provisions for tests and special inspections, proposed new subsection (f) would require that the certificate of compliance for portable or vehicle-mounted generators and the associated components of the portable distribution systems used at carnivals and fairs be issued by a New Jersey State licensed electrical contractor or a recognized electrical testing agency. The certificate of compliance certifies that the system is in compliance with Article 525 of the electrical subcode and is valid for one year from the date of issuance. There is no specified format for the certification, except that the model number and serial number of the system components approved for use must be recorded on the certificate.

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

Social Impact

The proposed amendments and new rule related to electrical systems for carnivals and fairs are expected to have a positive social impact. The proposed amendments and new rule provide an increased level of assurance that electrical systems for carnivals and fairs are installed and operated safely.

Economic Impact

The proposed amendments and new rule address the installation and operation of electrical systems for carnivals and fairs. The certification of compliance established by this rulemaking is to be completed by a New Jersey State licensed electrical contractor or a recognized electrical testing agency and would result in an increased cost for the carnival operator. The Department anticipates that the annual certification will cost the operator between \$800.00 and \$1,000. The Department has determined that this certification provides enhanced assurances that electrical systems for carnivals and fairs are installed and operated according to code.

Federal Standards Statement

No Federal standards analysis is required because the proposed amendments and new rule are not being 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 proposed amendments and new rule address electrical systems for carnivals and fairs and are not expected to have an impact on the creation or loss of jobs.

Agricultural Industry Impact

The Department does not anticipate that the proposed amendments and new rule, which address electrical systems for carnivals and fairs, would have any effect on the agricultural industry.

Regulatory Flexibility Analysis

The proposed amendments and new rule address electrical systems for carnivals and fairs. The intent of this rulemaking is to ensure that such systems are installed and operated in accordance with the UCC. This rulemaking affects carnival operators and electrical contractors, many of whom would be considered small businesses, as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:24B-16 et seq. The proposed amendments and new rule require carnival operators to employ the services of an electrical contractor, on an annual basis, to certify the electrical systems for carnivals and fairs. Some electrical contractors will see an increase in business upon the initial set up of a carnival or fair. Beyond the certification of compliance that will be submitted to the Department, no additional recordkeeping requirements are imposed on operators or electrical contractors. This annual certification procedure is not expected to create an undue hardship for businesses of any size; thus, there is no basis for differential treatment of small businesses.

Housing Affordability Impact Analysis

The proposed amendments and new rule address electrical systems for carnivals and fairs. Therefore, they would not have an impact on the average housing production costs or affect the affordability of housing.

Smart Growth Development Impact Analysis

The proposed amendments and new rule address electrical systems for carnivals and fairs and would not have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State.

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

CHAPTER 14A

CARNIVAL-AMUSEMENT RIDES

SUBCHAPTER 9. OPERATION

5:14A-9.2 Required notice, itinerary, and book-on rides

(a) (No change.)

(b) Notice of planned schedules shall:

1.-2. (No change.)

3. State the intended dates and specific locations of use including the municipality, street and street number, or block and lot; [and]

4. Include any additions or book-ons [which] **that** will be operating at the site[.]; **and**

5. Include the certificate of compliance for portable or vehicle-mounted generators, the associated components, and the portable distribution system, as per N.J.A.C. 5:23-2.20(f).

5:14A-9.7 Set-up and installation

(a)-(d) (No change.)

(e) Portable or vehicle-mounted electrical generators, the associated components, and the portable distribution system shall be certified in accordance with N.J.A.C. 5:23-2.20(f) and shall comply with Article 525 of the electrical subcode of the Uniform Construction Code.

1. Components of a portable electrical system not included in the certificate of compliance shall be certified by a recognized electrical testing agency or a New Jersey State-licensed electrical contractor prior to use. The certification shall be maintained on site.

Recodify existing (e)-(f) as **(f)-(g)** (No change in text.)

CHAPTER 23

UNIFORM CONSTRUCTION CODE

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

5:23-2.14 Construction permits—when required

(a) (No change.)

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

1.-10. (No change.)

11. A permit shall not be required for installation of portable or vehicle-mounted generators and the associated components of the portable distribution system serving carnivals and fairs when the system is in compliance with N.J.A.C. 5:23-2.18D. However, such installations are subject to inspection by the Department.

(c)-(g) (No change.)

5:23-2.18D Carnival and fair electrical systems

(a) It shall be unlawful to operate a portable or vehicle-mounted generator and the associated components of the portable distribution system serving carnivals and fairs until a valid certificate of compliance, issued in accordance with N.J.A.C. 5:23-2.20(f), has been made available to the Department.

1. Upon receipt of the required itinerary, as required by N.J.A.C. 5:14A-9.2, the Department may inspect the portable generator and associated components to verify compliance with the applicable sections of the electrical subcode.

5:23-2.20 Tests and special inspections

(a)-(e) (No change.)

(f) The certificate of compliance for portable or vehicle-mounted generators, the associated components, and the portable distribution systems used at carnivals and fairs shall be issued by a New Jersey State-licensed electrical contractor or a recognized electrical testing agency. This certificate shall certify that the portable or vehicle-mounted generator, the associated components, and the portable distribution system are in compliance with Article 525 of the electrical subcode. The certificate of compliance shall be valid for one year from the date of issuance.

1. The model number and serial number of the system components approved for use shall be recorded on the certificate of compliance.