

2. One complete set of ride design calculations signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**, including local environmental conditions;

3.-4. (No change.)

5:14A-10.8 Engineering certification

(a) (No change.)

(b) An application for an engineering certification for a bungee jumping operation shall include two copies of the following documents, signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**:

1.-8. (No change.)

9. A definitive statement by a professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials** that the bungee jumping operation is safe and acceptable to operate with the equipment identified in the submittal.

SUBCHAPTER 13. INFLATABLE RIDES

5:14A-13.3 Type certification

(a)-(b) (No change.)

(c) Manufacturers shall submit the following documentation for each inflatable ride:

1.-4. (No change.)

5. Design calculations per inflatable ride, or class of ride if the wind load areas are comparable, indicating the number of anchorage points and anchor size based upon live and wind loads. The calculations shall be signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**; and

6. (No change.)

5:14A-13.8 Ride loading and unloading

(a) (No change.)

(b) For completely enclosed, dark structures:

1. Exits shall be marked by readily visible signs in compliance with [IBC 2000,] Section [1003.2.10] **1013 of the building subcode, Uniform Construction Code of New Jersey (N.J.A.C. 5:23)**, in all cases where it is not immediately visible to the riders;

2.-4. (No change.)

(c) (No change.)

5:14A-13.9 Materials

(a) (No change.)

(b) Foam padding shall meet the requirements of ASTM F 1918, Section [11.5.2] **12.5.2**.

SUBCHAPTER 14. CLIMBING WALL AMUSEMENT RIDES

5:14A-14.5 Design and construction

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

(f) Design of an artificial climbing wall shall be in accordance with EN 12572[:1999], Artificial climbing structures—Protection points, stability requirements, and test methods.

(g)-(k) (No change.)

(a)

DIVISION OF CODES AND STANDARDS Liquefied Petroleum Gas

Proposed Amendment: N.J.A.C. 5:18-1.6

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

Authority: N.J.S.A. 21:1B-2, 21:1B-15, 34:1-20, and 34:1A-3(e); and Reorganization Plan No. 002-1998.

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

Proposal Number: PRN 2017-169.

Submit written comments by October 6, 2017, to:

Kathleen Asher
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
Fax No. (609) 984-6696
kathleen.asher@dca.nj.gov

Summary

The proposed amendment would change the labeling requirements for liquefied petroleum gas (LPG) cylinders. Currently the rules require that those filling LPG cylinders that are between four and 40 pounds capacity affix a warning in Spanish and English that advises the consumer not to bring the cylinder indoors. The proposed amendment would require a label that graphically depicts the warning in addition to the current labeling requirements. The Department believes that the graphic symbol will be more apparent to consumers and will allow those that do not read Spanish or English to be warned.

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

Social Impact

The proposed amendment at N.J.A.C. 5:18-1.6 would have a clear social benefit. The proposed amendment further protects the safety of people that use propane gas cylinders by ensuring that these cylinders be kept outdoors.

Economic Impact

The requirement to maintain a text-based warning was mandated pursuant to N.J.A.C. 5:18-1.6 prior to this rulemaking, therefore, the proposed amendment, which would require an additional warning, would not result in any substantial changes or cost increases. The Department does not expect the proposed amendment to have a noticeable economic impact.

Federal Standards Statement

No Federal standards analysis is required because the proposed amendment is not proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or any State statute that incorporates or refers to any Federal law, standard, or requirements.

Jobs Impact

The Department does not anticipate that the proposed amendment would result in the creation or loss of any jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

The proposed amendment requires that an additional label be affixed to LPG cylinders when they are filled. Though many companies who fill LPG cylinders are categorized as "small businesses" as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the intent of the rule is to educate and protect consumers and this goal can only be achieved by applying the rule to all businesses. The proposed amendment does not impose reporting or recordkeeping, nor does the proposed amendment create a need for other professional services.

Housing Affordability Impact Analysis

The proposed amendment, which addresses the placement of warning labels on LPG cylinders, is not expected to affect housing affordability or the average costs of housing in the State.

Smart Growth Development Impact Analysis

The proposed amendment, which addresses the placement of warning labels on LPG cylinders, is not expected to have any impact upon housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface thus):

SUBCHAPTER 1. GENERAL PROVISIONS

5:18-1.6 Container markings

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

(e) Prior to filling any cylinder of four to 40 pounds LP-Gas capacity, except fork lift cylinders, the operator of the fill plant or distribution plant shall affix a label to the collar of the cylinder that includes the following warning printed in English and in Spanish: “Flammable Gas—Never Use or Store Indoors/Gas Inflammable—Nunca Se Use o Guarde Adentro.” **In addition to this written warning, a label that graphically depicts the prohibition on bringing a cylinder indoors shall be affixed to the collar of the cylinder.**

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendments: N.J.A.C. 5:23-1.4, 2.7, 2.14, and 2.17A

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

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

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

Proposal Number: PRN 2017-171.

Submit written comments by October 6, 2017, to:

Kathleen Asher
 Department of Community Affairs
 PO Box 800
 Trenton, New Jersey 08625
 Fax No. (609) 984-6696
kathleen.asher@dca.nj.gov

The agency proposal follows:

Summary

The Department proposes amendments to the Uniform Construction Code (UCC) for ordinary maintenance (N.J.A.C. 5:23-2.7) and minor work (N.J.A.C. 5:23-2.17A), categories of work that require less oversight than does full permit construction. The rulemaking would also amend the definition of minor work (N.J.A.C. 5:23-1.4) and timeframe for performing an inspection (N.J.A.C. 5:23-2.17A).

Ordinary maintenance is construction work that does not require a construction permit and, therefore, is not inspected. Minor work requires a construction permit, but allows work to begin before the permit has been issued once notice of the work has been given to the local code enforcement agency.

Through these amendments, some work that has been categorized as minor work will be redesignated as ordinary maintenance and some work that has required the submittal of plans will be redesignated as minor work. Standardizing work is expected not only to provide clear direction to all code users, but to result in uniformity of enforcement. A section-by-section summary of these changes follows.

1. At N.J.A.C. 5:23-1.4, Definitions, “prior approvals” would be removed as a restriction from considering a project as minor work. The

local code enforcement agency has been the *de facto* enforcer for rules issued by other State agencies and those enacted by local ordinances. Removing “prior approvals” from the definition of “minor work” will allow applicants to begin work without a permit even when prior approvals are required. It will also remove the UCC as the enforcement mechanism for those requirements for minor work projects. This change will mean that, moving forward, the permit applicant will be responsible for ensuring that the minor work project being undertaken meets State and local requirements that are outside the jurisdiction of the UCC.

2. At N.J.A.C. 5:23-2.7(c)1ii, the current requirement that the installation, repair, or replacement of interior finishes in not more than 25 percent of a single room is designated as ordinary maintenance would be expanded to apply to 25 percent of a one- or two-family dwelling. The Department has determined that limiting the installation, repair, or replacement of interior finishes to 25 percent of a room is unduly restrictive. Requiring plans and a construction permit for the replacement of more than 25 percent of the interior of a dwelling is reasonable. This standard will ensure that work for a substantial renovation or alteration will be inspected to determine code compliance; smaller projects will be required to comply with the UCC, but there will be no inspection to confirm compliance.

3. At N.J.A.C. 5:23-2.7(c)1v, the installation of windows and doors would be removed from the work covered under ordinary maintenance. There has been confusion as to whether the “installation” of doors and windows included the installation of additional doors or windows that did not exist before the project started. Because the installation of new doors or windows may impact fire safety and structural safety, a permit is required. Removing “installation” would eliminate the confusion that currently exists. The “replacement” of doors or windows within the same opening would continue to be ordinary maintenance.

4. At N.J.A.C. 5:23-2.7(c)1vi, the repair or replacement of non-structural components, such as partitions, would be revised for clarity. The Department has received questions as to the meaning of “partition railing.” This amendment would make it clear that partitions in one- or two-family dwellings may be repaired or replaced as ordinary maintenance. The scope of this provision is being limited to one- or two-family dwellings because partitions are used in commercial buildings to divide space and altering the installation of those partitions can compromise required egress and can also compromise access for people with disabilities.

5. Proposed new N.J.A.C. 5:23-2.7(c)1vii would designate the “repair, replacement, or installation of non-structural elements, such as cabinets” as ordinary building maintenance. Questions have resulted from combining the requirements for “partition railings” and “cabinets.” They would be separated for clarity.

6. At recodified N.J.A.C. 5:23-2.7(c)1viii, “installation” of trim, decoration, or moldings would be added to “repair or replacement” as ordinary maintenance. There have been questions as to whether the “installation” of trim should require a permit; upon review, the Department has determined that it would be reasonable to designate the installation of trim, decoration, or moldings as ordinary maintenance.

7. At recodified N.J.A.C. 5:23-2.7(c)1ix, the “repair” of flooring material would be added to ordinary maintenance. Because these subparagraphs distinguish among “installation,” “replacement,” and “repair,” this amendment would state that the repair of flooring, the most basic level of work, is ordinary maintenance.

8. At recodified N.J.A.C. 5:23-2.7(c)1x, the “replacement” of existing roofing material would be added to ordinary maintenance and the requirement that the material replaced may not exceed 25 percent within a 12-month period would be deleted; the scope would be limited to one- and two-family dwellings. This requirement was originally intended to ensure that the roof covering used to repair or replace a roof would not exceed the weight the building was designed to support. Because construction work must comply with the UCC and permits and inspections are tools to ensure compliance, the decision at hand is whether permits and inspections should be required for roofing repair or replacement. In response to questions asked about the value-added of roofing inspections, the Department has determined that the replacement or repair of a roof on a one- or two-family dwelling should be designated as ordinary maintenance.