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### **7.0.0 On-Going Inspections**

This section describes the administrative process related to cyclical inspections. These procedures will serve as a guide to the Construction and Subcode Officials, Inspectors and Technical Assistants in the maintenance of on-going inspection logs and the reporting of inspection results.

The major activities and responsibilities of the performers are:

#### **Construction Official**

- Supervises cyclical inspection process.
- Issues Penalty Orders, Certificates, etc, applicable to the on-going inspection process.

#### **Inspector/Subcode Official**

- Establishes cycle of inspections. Monitors and supervises cyclical inspections.
- Conducts inspections and witnesses tests where applicable.
- Takes appropriate action(s) if device inspected is in violation of regulations.
- Takes appropriate action(s) when Owner appeals agency's decision(s).
- Calculates inspection fees.
- Prepares forms applicable to the process and forwards such to the Technical Assistant within five (5) working days of the inspection (except in emergency situations).
- Maintains an on-going inspection log.
- Maintains a schedule of device inspections within an established cycle of inspections.

#### **Technical Assistant to the Construction Official**

- Reviews for completeness, the forms forwarded by the Inspector/Subcode Official/Construction Official for completeness.
- Prepares Certificates as recommend by the Inspector.
- Ensures that all forms issued by the municipality are signed, dated, etc., and forwards same to device owners.
- Files copies of forms in device files.
- Maintains up-to-date device files, and files of Inspection and Certificate logs.
- Monitors inspection deadlines and the expiration dates of the Certificates under which the devices operate.

#### **Device Owner**

- Takes appropriate action if device is in violation of the regulations.
- Arranges for necessary tests(through scheduling) upon notification by the Inspector/Subcode Official.

## MUNICIPAL PROCEDURES MANUAL

### **7.1.0 Log Maintenance**

#### **7.1.1 Log Update –Required Inspections**

##### **Responsibility**

Technical Assistant

##### **Action**

1. Reviews all incoming Construction Permit Applications (CPA) and relevant Technical Section(s) to determine whether any aspect of the construction project for which a Permit is sought will require future on-going inspections.
  - a. Verifies information recorded in CPA section IV.
    - If data does not agree with information on Technical Section(s), updates the CPA as appropriate.
  - b. If future on-going inspections will be required, proceeds to next step (step 2).

OR

- c. If future on-going inspections will not be required, files CPA and Technical Section(s) in Central file, by block and lot, and stops – does not perform remainder of procedure.
2. Records type of required future on-going inspections on CPA, section IV-DOES OR WILL YOUR BUILDING CONTAIN ANY OF THE FOLLOWING?

Note: this is not to say a Permit should be issued for the purpose of conducting an annual inspection, it is simply the mechanism by which additional devices requiring on-going inspections are added to the periodic inspections registry!

- c. If future on-going inspections will not be required, files CPA and Technical Section(s) in Central file, by block and lot, and stops – does not perform remainder of procedure.
3. Reviews On-going Inspections Log(s) (UCC-L730) to determine if device is already recorded in log.
  - a. If information is already recorded in log –does not perform remainder of procedure.
4. Enters device information in appropriate On-going Inspection Log:
  - Owner's name;
  - Building site:
    - Address;
    - Phone number;
    - Block/Lot.
  - Type of device;
  - Date of initial service.
  - a. If information is not complete, advises Subcode Official to obtain necessary data.
5. Determines month(es) in which on-going inspection is required.



## MUNICIPAL PROCEDURES MANUAL

6. Prepares On-Going Inspection control card (UCC-F290) for each calendar month inspection is required (i.e., if semi-annual inspections are required, two cards are completed), recording necessary site and owner/agent identification, description of device and month in which inspection is due.
7. Files On-Going Inspection control card, by inspection month, in On-Going Inspection tickler file.

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### **7.1.2 On-Going Inspections Monitoring**

#### **Responsibility**

Technical Assistant

#### **Action**

1. Reviews On-going Inspection tickler file six weeks prior to start of new inspection month.
2. Identifies inspections required for the month.
  - a. Refers to On-going Inspections Log for additional information as required.
3. Notifies appropriate Inspector of required inspections.

## MUNICIPAL PROCEDURES MANUAL

### **7.1.3 Log Update –Inspection Results**

#### **Responsibility**

Inspector

#### **Action**

1. Locates entry for inspected item in On-going Inspection Log (UCC-L730).
2. Records date of final passed inspection.

## MUNICIPAL PROCEDURES MANUAL

### **7.2.0 Cyclical (On-going) Inspections**

#### **7.2.1 Inspection Conducted –Elevator Device**

##### **Responsibility**

Inspector

##### **Action**

1. Receives notice from Technical Assistant of on-going inspection due.
2. Contacts Owner/agent to schedule periodic elevator device inspection (schedules cyclical inspection within the established cycle).
3. Schedules date and records on On-Going Inspection Schedule (UCC-F300):
  - Inspector's Name;
  - Owner/Agent name;
  - Building location and registration number;
  - Number and type of equipment to be inspected;
  - Type of inspection (Periodic, Reinspection);
  - Date inspection scheduled.
4. Calculates inspection fee (per device); records on On-going Inspection schedule.
5. Prepares Elevator Inspection form (UCC-F310) in duplicate, recording building address, block and lot.
6. Conducts or witnesses inspection and records inspection data on form.
  - a. If unable to conduct or complete inspections/witnesses:
    - Updates schedule and Elevator Inspection form to indicate inspection not done;
    - Reschedules inspection;
    - Records new inspection date on schedule.
7. Completes Elevator Inspection form (UCC-F310) by recording all required data, date and type of the inspection, applicable codes, results of the inspection/tests including citation of violations when noted, recommendation, for certificate when appropriate, inspector's name, signature and license number.

## MUNICIPAL PROCEDURES MANUAL

### **7.2.1 Inspection Conducted –Elevator Device –continued.**

8. Upon completion of inspection/ witnessing of tests, determines whether device passes inspection.
  - a. If elevator device passes inspection:
    - Updates Elevator Inspection form to indicate approval;
    - Prepares, if not already present, Elevator Notice (UCC F320) placard; posts in Machine room;
    - Signs and dates Elevator Notice placard after every inspection;
    - Prepares Certificate of Compliance (UCC-F260).
  - b. If elevator device does *not* pass inspection:
    - Notifies Owner/agent of required action;
    - Updates Elevator Inspection Form to indicate disapproval;
    - Schedules reinspection of elevator device; records date on On-going Inspection Schedule.
  - c. Requests the Subcode Official to issue a Notice of Violation and Order to Terminate (UCC-F211) (see procedure 8.1.3) with any violation cited as a result of the inspection test and determines the due date of compliance. In cases when a *Private Onsite Agency* enforces the Subcode, the Notice shall be issued through the Construction Official's office.
  - d. May recommend that Construction Official issue a Notice and Order of Penalty (see procedure 8.1.6) when violations cited repeatedly are not brought into compliance.
  - e. May determine that device poses an immediate danger to riders.
  - f. Submits Elevator Inspection form to Technical Assistant within five (5) working days of the inspection, and within two (2) working days of inspection in the case of *shut-down* of the device or any other emergency situation discovered.
  - g. Notifies Subcode Official and the NJDCA Elevator Safety unit of any: non-registered buildings/devices, devices removed from service, or devices placed back in service discovered during the inspection process.

## MUNICIPAL PROCEDURES MANUAL

### **7.2.1 Inspection Conducted –Elevator Device –continued.**

#### **Responsibility**

Inspector and Construction Official

#### **Action**

1. When it is determined that an existing device poses an immediate danger to the riders, places device *Out of Operation* and notifies the owner of the same.

A device is considered *Out of Operation* when the main line power supply disconnecting means are pulled. The placard, “Notice, This Elevator Device is Declared Unsafe” (UCC-F325) is affixed to the main entrance(s) of the affected device and to the disconnecting means. All necessary forms, Notices, Orders are issued and sent to the device owner.

#### **Responsibility**

Elevator Subcode Official

#### **Action**

1. Establishes cycle of inspections.
2. Verifies list of Registered Building/Devices provided by the NJDCA Elevator Safety unit; notifies the NJDCA of any discrepancies.
3. Monitors inspections process.
4. Ensures that the Certificates (TTC,CC) are issued as recommended and that all UCC forms issued in relation to the inspection/test are properly prepared, signed, issued timely, distributed accordingly and on time, and filed in the device’s file.
5. Monitors and takes appropriate actions if devices are not inspected/re-inspected on time.
6. If requested to issue violation notice by Inspector in step 7c above, and a violation notice is warranted, issues Notice of Violation and Order to Terminate (UCC-F211) by following procedure 8.1.3.

## MUNICIPAL PROCEDURES MANUAL

### **7.2.1 Inspection Conducted –Elevator Device –continued.**

#### **Responsibility**

Technical Assistant

#### **Action**

1. Receives and reviews forms/notices, etc, for completeness.
2. Prepares Certificates according to the Inspector's recommendations.
  - a. Records all applicable data including but not limited to Certificate type, date issued and the expiration date of the Certificate.
  - b. Records information applicable to the cyclical inspection process in Certificate Log (UCC-L720). Information shall include but not be limited to the Certificate's type, date issued, and the expiration date of the Certificate.
3. Obtains Construction Official's signature on forms as required by the UCC.
4. Forwards all forms issued for the inspection/test performed to the device owner within five (5) working days of their receipt and within two (2) working days in case of a *shut-down* of the device or any other emergency situation as indicated by the Inspector/Subcode Official.
5. Files copies of the forms forwarded to the device owner in the device's file within two (2) weeks of distribution.
6. Monitors the expiration dates of the Certificates (CC/TCC) under which the device operates.
  - a. In the absence of the required information for the new Certificate to be issued, notifies the Subcode Official/Inspector about the upcoming expiration date.
7. Maintains files of Inspection and Certificate Logs.

#### **Responsibility**

Device Owner

#### **Action**

1. Takes appropriate actions to arrange for tests requested by the Inspector/Subcode Official.
2. Takes appropriate actions (as listed in 8.1.0) when ordered to comply with the Notices/Orders issued by the agency.

## MUNICIPAL PROCEDURES MANUAL

### **7.2.2 Inspection Conducted –Bonding and Grounding**

#### **Responsibility**

Electrical Subcode Official or Inspector

#### **Action**

1. Receives notice from Technical Assistant of on-going inspection due.
2. Contacts swimming pool/spa/hot tub owner. Advises that Certificate of Compliance is expiring; schedules annual inspection (schedules cyclical inspection within the established cycle). Uses model *Pool/Spa/Hot Tub Annual Notice*, if desired.
3. Records on On-Going Inspection Schedule (UCC-F300):
  - Inspector's Name
  - Owner name
  - Swimming pool/spa/hot tub location
  - Number and type of equipment to be inspected
  - Type of inspection (Periodic, Reinspection)
  - Date inspection scheduled.
4. Calculates inspection fee; records on On-going Inspection schedule.
5. The Electrical Subcode Technical Section may be used for the purpose of recording inspection fee, inspection and results; its use, however, is not required
6. Performs visual (nondestructive) inspection of the electrical equipment and wiring associated with each pool, spa or hot tub, to ensure that the installation continues to be safe and meets applicable requirements of the Electrical Subcode.
  - a. Inspection must address all visible safety items covered by the Electrical Subcode, such as (but not limited to):
    - Condition of connections and terminations;
    - GFCI protection for motors;
    - GFCI protection for receptacles;
    - GFCI protection for underwater lights;
    - Location of receptacles and switches;
    - Location and sealing of junction boxes and deck boxes, etc.
7. Obtains copy of valid bonding and grounding certificate.



## MUNICIPAL PROCEDURES MANUAL

### **7.2.2 Inspection Conducted –Bonding and Grounding –continued.**

8. Returns Electrical Subcode Technical Section (if used) completed with fee calculation and inspection results, *and* copy of valid bonding and grounding certificate to Technical Assistant.

#### **Responsibility**

Technical Assistant

#### **Action**

1. Receives forms from Subcode Official or Inspector.
2. Prepares Certificate (CC/TCC) according to the Subcode Official or Inspector's recommendations.
  - a. Records all applicable data including but not limited to Certificate type, date issued and the expiration date of the Certificate, indicating "Pool/Spa/Hot Tub Bonding and Grounding" and any other pertinent and necessary detail in the *Description of Work/Use* space on the Certificate form.

Note: A Certificate may encompass more than one swimming pool/spa/hot tub if those devices are in the same vicinity, accessible to an inspector in the same inspection visit, and are covered by the same bonding and grounding certificate.

- b. Records information applicable to the cyclical inspection process in Certificate Log (UCC-L720). Information shall include but not be limited to the Certificate's type, date issued, and the expiration date of the Certificate.
3. Obtains Construction Official's signature on Certificate as required by the UCC.
4. Forwards all forms issued for the inspection/test performed to the swimming pool/spa/hot tub owner within five (5) working days of their receipt, and within two (2) working days in case of a Notice of Unsafe Structure being issued (see procedure 8.1.2).
5. Files copies of the forms forwarded to the swimming pool/spa/hot tub owner in the swimming pool/spa/hot tub's file in the central file system within two (2) weeks of distribution.
6. Monitors the expiration dates of the Certificates (CC/TCC) under which the swimming pool/spa/hot tub operates.

## MUNICIPAL PROCEDURES MANUAL

### **7.2.2 Inspection Conducted –Bonding and Grounding –continued.**

- a. In the absence of the required information for the new Certificate to be issued, notifies the Subcode Official/Inspector about the upcoming expiration date.

7. Maintains files of Inspection and Certificate Logs.

#### **Responsibility**

Device Owner

#### **Action**

1. Takes appropriate actions to arrange for tests requested by the Inspector/Subcode Official.
2. Takes appropriate actions (as listed in 8.1.0) when ordered to comply with the Notices/Orders issued by the agency.

## MUNICIPAL PROCEDURES MANUAL

### **7.2.3 Ongoing Inspection–Backflow Preventer Re-Testing**

#### **Responsibility**

Plumbing Subcode Official or Inspector

#### **Action**

1. Receives notice from Technical Assistant of annual re-testing due.
2. Contacts backflow preventer device owner; advises that Certificate of Compliance is expiring, performance test certification is required and payment of fee is due. Uses model *Testing of Backflow Preventers Annual Reminder*, if desired.

Note: At his or her discretion, the Plumbing Inspector or Subcode Official may elect to witness the test.

3. Calculates backflow preventer annual fee based upon the fee established by municipal ordinance.
4. Obtains copy of valid performance test certificate.
5. The Plumbing Subcode Technical Section may be used for the purpose of recording the annual fee, witnessing of the test and test results; its use, however, is not required.
6. Returns Plumbing Subcode Technical Section (if used) completed with fee calculation and copy of valid performance test certification to Technical Assistant.

#### **Responsibility**

Technical Assistant

#### **Action**

1. Receives forms from Subcode Official or Inspector.
2. Prepares Certificate (CC/TCC) according to the Subcode Official or Inspector's recommendations.
  - a. Records all applicable data including but not limited to Certificate type, date issued and the expiration date of the Certificate, indicating "Backflow Preventer" and any other pertinent and necessary detail such as location in the building, model no., etc., in the *Description of Work/Use* space on the Certificate form.









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### **8.1.1 Stop Construction Order –continued.**

- d. Indicates exact section of regulations of which Owner/agent or *other party* is in violation.
  - e. Quotes the above sections of the regulations.
  - f. States the condition upon which construction may resume.
  - g. Fills in appeal information:
    - Construction Bd. of Appeals name.
    - Appeal fee;
    - Construction Bd. of Appeals address.
  - h. Provides contact telephone number.
  - i. Subcode Official signs and dates.
2. Delivers original Order to Owner/agent or to *Other Party* (see N.J.A.C. 5:23-2.31(d) for *service* requirements).
  3. Noted issuance of Order on Technical Section(s) (UCC-F110 thru - F150), if applicable.
  4. Files copy of Order with (or without) Construction Permit Application (CPA) (UCC-F100) in Central File.
  5. Responds to Owner/agent or *Other Party's* actions.
    - a. If construction stops and conditions are met, re-inspects site and informs Owner/agent or *Other Party* that he/she has permission to continue work; notes compliance on back of Order.  

*OR*
    - b. If construction does not stop:
      - Issues a Notice and Order of Penalty by performing procedure, "Notice and Order of Penalty" (8.1.7).
      - Advises the Construction Official to seek the Order of a court of competent jurisdiction, as needed, restraining further work at the site.
    - c. If appeal is made to the Construction Bd. of Appeals, provide board with full record of the construction project in question.



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### **8.1.4 Notice of Violation and Order to Terminate**

The Notice of Violation and Order to Terminate is used most often to cite violations of a technical nature.

Subsequent Notice and Order of Penalty issued carries weekly penalty.

Issued to Permit holder or the person performing the work; if the Permit holder or person performing the work is not the Owner in fee, must issue to Owner in fee as well.

Specifies timeframe in which violation must be corrected.

### **Responsibility**

Subcode Official

### **Action**

1. Prepares a Notice of Violation and Order to Terminate (UCC-F211) in duplicate.
  - a. Records the following Identification information:
    - Construction Permit number;
    - Date of Permit issuance;
    - Notice number, if required by Town;
    - Work site location;
    - Block/lot of construction site;
    - Owner and Agent (if any) name and address;
    - Indication of to whom the Notice is addressed;
    - Name and address of *Other Party* receiving Notice is not Owner or Agent;
  - b. Indicates dates:
    - Date of inspection;
    - Date of this Notice;
    - Compliance due date, i.e., date by which recipient must comply with terms of Notice.
  - c. Indicates type of action that must be taken:
    - Describes violation(s) found, quoting from section of Code violated.
    - Repeats compliance due date.
  - d. Fills in appeal information:
    - Construction Bd. of Appeals name;
    - Appeal fee;
    - Construction Bd. of Appeals address.
  - e. Provides contact telephone number.
  - f. Subcode Official signs and dates.
2. Delivers original Notice to Owner/agent or to Other Party (see N.J.A.C. 5:23-2.33 for *service* requirements).

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### **8.1.4 Notice of Violation and Order to Terminate –continued.**

3. Files copy of Order with (or without) Construction Permit Application (CPA) (UCC-F100) in Central File.
4. Notes issuance of Notice & Order in Technical Sections(s) (UCC-F110 thru –F150).
5. Responds to request for extension of compliance due date, if applicable.
6. Responds to Owner/agent or *Other Party's* actions.
  - a. If Notice is not complied with in a timely fashion, takes appropriate action (see N.J.A.C. 5:23-2.31)
  - b. If appeal to Construction Bd. of Appeals is made, provides board with full record of the construction project in question.

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### **8.1.5 Notice of Unsafe Structure**

The Notice of Unsafe Structure is used in more urgent circumstances than the Notice of Violation and Order to Terminate. See N.J.A.C. 5:23-2.32(a).

Results from inspection, describes an unsafe condition, and orders the recipient to vacate by a specified date and/or demolish or make prescribed repairs by a specified date.

The Notice of Unsafe Structure is issued to the Owner in fee, but may also be served upon the Owner's agent as specified in the Construction Permit application, the person responsible for work, or any agent or person in control of the building.

### **Responsibility**

Construction Official

### **Action**

1. Prepares a Notice of Unsafe Structure (UCC-F241) in duplicate, and an Unsafe Structure Placard (UCC-F245).
  - a. Records the following Identification information:
    - Construction Permit number, if applicable;
    - Date of Permit issuance, if applicable;
    - Notice number, if required by Town;
    - Building/structure site location;
    - Block/lot of building/structure site;
    - Owner and Agent (if any) name and address;
    - Indication of to whom the Notice is addressed;
    - Name and address of *Other Party* receiving Notice if not Owner or Agent;
  - b. Indicates dates:
    - Date of inspection that led to Notice;
    - Date Notice was issued.
  - c. Reiterates inspection date and describes unsafe condition found.
  - d. Indicates type of action Owner/agent is required to take:
    - If structure must be vacated, check and indicate date by which must be vacated;
    - If structure must be demolished or unsafe conditions otherwise corrected, check and indicate the date by which the structure must be:
      - Demolished;

*OR*

    - Repaired.

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### **8.1.5 Notice of Unsafe Structure –continued.**

- e. Fills in appeal information:
    - Construction Bd. of Appeals name;
    - Appeal fee;
    - Construction Bd. of Appeals address.
  - f. Provides contact telephone number.
  - g. Construction Official signs and dates.
2. Delivers original Notice to Owner/agent or to *Other Party* (see N.J.A.C. 5:23-2.33 for *service* requirements).
  3. Files copy of Notice with (or without) Construction Permit Application (CPA) (UCC-F100) in Central File.
  4. Notes issuance of Notice on Technical Section(s) (UCC-F110 thru –F150).
  5. Responds to Owner/agent or *Other Party's* actions.
    - a. If repairs are made, evaluates whether structure is restored to within Code requirements.
    - b. If Owner/agent or *Other Party* neglects or refuses to comply with Notice, forwards matter to appropriate legal counsel.

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### **8.1.6 Notice of Imminent Hazard**

The Notice of Imminent Hazard is used for the most serious circumstances and where immediate life safety concerns are present. See N.J.A.C. 5:23-2.32(b).

Results from inspection, describes the imminent hazard, and orders the recipient to vacate forthwith, i.e., at once.

The Notice of Imminent Hazard further orders to make the prescribed repairs by a specified date or to demolish the structure by a specified date.

The Notice of Imminent Hazard is issued to the Owner in fee, but may also be served upon the Owner's agent as specified in the Construction Permit application, the person responsible for work, or any agent or person in control of the building.

Order to Vacate placards (UCC-F245) must be posted. (Note: While UCC-F245 continues to be commonly referred to as the *Unsafe Structure Notice*, it is the *Order to Vacate* placard)

#### **Responsibility**

Construction Official

#### **Action**

1. Prepares a Notice of Imminent Hazard (UCC-F242) in duplicate, and the necessary number of *Order to Vacate* Placards (UCC-F245).
  - a. Records the following Identification information:
    - Construction Permit number, if applicable;
    - Date of Permit issuance, if applicable;
    - Notice number, if required by Town;
    - Building/structure site location;
    - Block/lot of building/structure site;
    - Owner and Agent (if any) name and address;
    - Indication of to whom the Notice is addressed;
    - Name and address of *Other Party* receiving Notice if not Owner or Agent;
  - b. Indicates dates:
    - Date of inspection that led to Notice;
    - Date Notice was issued.
  - c. Reiterates inspection date and describes imminent hazard condition found.

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### **8.1.6 Notice of Imminent Hazard –continued.**

- d. Indicates type of action Owner/agent is required to take:
    - If structure may be rendered temporarily safe, so indicate by checking the “Immediately correct...” box;
    - If structure must be demolished, check and indicate the date by which the structure must be demolished.
  - e. Provides contact telephone number.
  - f. Construction Official signs and dates.
2. Delivers original Notice to Owner/agent or to *Other Party* (see N.J.A.C. 5:23-2.33 for *service* requirements).
  3. Posts each entrance of the building/structure with the placards prepared in step 1 above.
  4. Files copy of Notice with (or without) Construction Permit Application (CPA) (UCC-F100) in Central File.
  5. Notes issuance of Notice on Technical Section(s) (UCC-F110 thru –F150), if applicable.
  6. Employs temporary safeguards, closing of streets, etc. as prescribed at N.J.A.C. 5:23-2.32(b) 2., 3., 4., and 5.
  7. Responds to Owner/agent or *Other Party’s* actions.
    - a. If measures taken to temporarily render structure safe and secure, evaluates.
    - b. If Owner/agent or *Other Party* neglects or refuses to comply with Notice, forwards matter to appropriate legal counsel.

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### **8.1.7 Notice and Order of Penalty**

The Notice and Order of Penalty is used to assess weekly penalties for failure to terminate violations as prescribed in: 1) a Notice of Violation and Order to Terminate (UCC-F211); b) a Notice of Unsafe Structure (UCC-F241); and c) a Notice of Imminent Hazard (UCC-F242).

The Notice and Order of Penalty is also used to assess daily penalties for failure to comply with a Stop Construction Order (UCC-F250).

The Notice and Order of Penalty is also used to assess immediate penalties for: 1) Making a false or misleading written statement or omitting required information in an application or request for approval; 2) Failing to obtain a Construction Permit; 3) Failing to request required inspections; and 4) Allowing occupancy prior to receiving a Certificate of Occupancy.

The UCC authorizes up to a \$2,000 penalty for each cited violation .See N.J.A.C. 5:23-2.31(e) for specifics.

### **Responsibility**

Construction Official

### **Action**

1. Prepares a Notice and Order of Penalty (UCC-F212) in duplicate.
  - a. Records the following Identification information:
    - Construction Permit number, if applicable;
    - Date of Permit issuance, if applicable;
    - Notice number, if required by Town;
    - Building/structure site location;
    - Block/lot of building/structure site;
    - Owner and Agent (if any) name and address;
    - Indication of to whom the Notice is addressed;
    - Name and address of *Other Party* receiving Notice if not Owner or Agent;
  - b. Indicates by checking, the circumstances of the violation leading to a penalty.
    - i. If penalty is for failure to terminate violation(s) previously cited with UCC-F211, -F241 or –F242:
      - Records date of previous notice;
      - Indicates by checking, previous notice type;
      - Records reinspection date;
      - Quotes violation(s) remaining.

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### **8.1.7 Notice and Order of Penalty –continued.**

- ii. If penalty is immediate for 1) Making a false or misleading written statement or omitting required information in an application or request for approval; 2) Failing to obtain a Construction Permit; 3) Failing to request required inspections; and 4) Allowing occupancy prior to receiving a Certificate of Occupancy:
      - Records date of violation discovered;
      - Indicates by checking, the specific violation type.
    - iii. If penalty is for failure to comply with Stop Construction Order:
      - Records date of Stop Construction Order;
      - Records reinspection date.
  - c. Records penalty:
    - Indicates amount for each violation;
    - Indicates total penalty amount;
    - Indicates by checking, period over which additional penalties will be assess;
    - Records new reinspection date;
    - Records additional penalty amount;
    - Indicates by checking daily or weekly assessment of additional penalties.
  - d. Fills in appeal information:
    - Construction Bd. of Appeals name;
    - Appeal fee;
    - Construction Bd. of Appeals address.
  - e. Provides contact telephone number.
  - f. Construction Official signs and dates.
2. Delivers original Notice to Owner/agent or to *Other Party* (see N.J.A.C. 5:23-2.33 for *service* requirements).
3. Files copy of Notice & Order with (or without) Construction Permit Application (CPA) (UCC-F100) in Central File.
4. Notes issuance of Notice on Technical Section(s) (UCC-F110 thru –F150).
5. Responds to Owner/agent or *Other Party's* actions.
6. If Owner/agent or *Other Party* neglects or refuses to settle penalties assessed, collects pursuant to the *Penalty Enforcement Law of 1999* (N.J.S.A. 2A:58-10 et seq.).



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### **8.1.8 Notice of Violation and Order to Terminate (Post-Certificate of Occupancy –Residential Construction)**

In the Supreme Court decision, DKM Residential Properties Corporation v. The Township of Montgomery and the Construction Board of Appeals of the Township of Montgomery, the Court held that local code enforcement agencies may issue Notices of Violation to the builder *after* the Certificate of Occupancy (CO) has been issued and the builder has transferred title to the property. The decision requires that any violation that would have caused the CO to be withheld must be cited. Because no CO would be issued when there are any known violations, this means that a Notice of Violation should be issued for any and all code violations found by or brought to the attention of the local enforcing agency.

This procedure is based upon the guidance provided in UCC Bulletin No. 05-01.

#### **Responsibility**

Subcode Official

#### **Action**

1. Before preparing the Notice of Violation and Order to Terminate (Post-Certificate of Occupancy –Residential Construction), UCC-F213, advise homeowner to go through homeowner’s warranty first for items known to be covered under warranty *because* builder is obligated to correct warranted defects; if builder fails to do so, warranty company pays for the correction. This avenue affords better protection to the homeowner than the issuance of a Violation Notice & Order.
  - a. If warranty claim denied, obtain copy of letter of denial.
  - b. If violation involves item(s) not covered by warranty or out of warranted period, issue Violation Notice & Order without obtaining warranty company denial.
  - c. If homeowner wishes to pursue correction through UCC rather than warranty claim, issue Violation Notice & Order without warranty company denial.
  - d. If unsure of warranty coverage, issue Violation Notice & Order without warranty company denial.
2. Prepares a post-CO Notice of Violation and Order to Terminate (UCC-F213) in triplicate.
  - a. Records the following Identification information:
    - Order number;
    - Work site location;
    - Block/lot of construction site;

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### **8.1.8 Notice of Violation and Order to Terminate (Post-Certificate of Occupancy –Residential Construction) –continued.**

- Contractor/Builder name and address; *and*
  - Owner *in fee* name and address;
  - b. Indicates dates:
    - Date of inspection;
    - Date of this Notice;
    - Compliance due date, i.e., date by which recipient must comply with terms of Notice & Order.
  - c. Indicates type of action that must be taken:
    - Describes violation(s) found, quoting from section of Code violated - include any and all violations;
    - Base upon model codes in effect at time of building's construction;
    - To preserve the homeowner's appeal rights, make separate list in space provided of item(s) a part of homeowner's complaint but not a violation of UCC.
    - Repeats compliance due date.
  - d. Fills in appeal information:
    - Construction Bd. of Appeals name;
    - Appeal fee;
    - Construction Bd. of Appeals address.
  - e. Provides contact telephone number.
  - f. Subcode Official signs and dates.
3. Serves one copy of the Notice & Order on the contractor/builder and one copy of the Notice & Order on the homeowner (see N.J.A.C. 5:23-2.33 for *service* requirements).
4. Require development-wide action on certain deficiencies.
- a. Certain violations involving life safety and serious enough to warrant citing every home in the development found to have such violations must be cited and must require abatement.
    - Owner may be obligated if builder is unwilling, unable or unavailable to do so;
    - Refer to N.J.A.C. 5:23-4.5(h)4 for list of code sections requiring global and absolute action.
    - Repeat steps 1 through 3 as necessary.
5. Files third copy of Notice & Order Central File.
6. Responds to request for extension of compliance due date, if applicable.

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### **8.1.8 Notice of Violation and Order to Terminate (Post-Certificate of Occupancy –Residential Construction) –continued.**

7. Responds to Contractor/Builder and Owner actions.
  - a. If Notice is not complied with in a timely fashion, takes appropriate action (see N.J.A.C. 5:23-2.31)
  - b. If appeal to Construction Bd. of Appeals is made, provides board with full record of the construction project in question.

For additional information, refer to UCC Bulletin No. 05-1, Issuance of Notice of Violation After Issuance of Certificate of Occupancy and Transfer of Title, June 2005.

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### **8.1.9 Notice and Order of Penalty (Post-Certificate of Occupancy – Residential Construction)**

When the time allowed in the original post-Certificate of Occupancy Violation Notice & Order has expired and the violations remain unabated, a Notice and Order of Penalty (Post-Certificate of Occupancy – Residential Construction), UCC-F214, should be issued to the builder, and a copy provided to the homeowner.

This procedure is based upon the guidance provided in UCC Bulletin No. 05-01.

#### **Responsibility**

Construction Official

#### **Action**

1. Prepares a Post-CO Notice and Order of Penalty (UCC-F214) in triplicate.
  - a. Records the following Identification information:
    - Order number;
    - Building/structure site location;
    - Block/lot of building/structure site;
    - Contractor/Builder name and address; with copy to
    - Owner *in fee* name and address;
  - b. Indicates date of inspection as recorded on Post-CO Notice of Violation.
  - c. Indicates date of reinspection (the reinspection date generally correlates to the compliance due date reflected on the original Post-CO Notice of Violation);
  - d. Records violations cited on the original Post-CO Notice of Violation remaining unabated.
  - e. Records penalty:
    - Indicates amount for each violation;
    - Indicates total penalty amount;
    - Records new reinspection date;
    - Records additional penalty amount;
  - f. Fills in appeal information:
    - Construction Bd. of Appeals name;
    - Appeal fee;
    - Construction Bd. of Appeals address.
  - g. Provides contact telephone number.
  - h. Construction Official signs and dates.

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### **8.1.9 Notice and Order of Penalty (Post-Certificate of Occupancy – Residential Construction) –continued.**

2. Serves one copy of the Notice & Order on the contractor/builder and one copy of the Notice & Order on the homeowner (see N.J.A.C. 5:23-2.33 for *service* requirements)
3. Files third copy of Notice & Order in Central File.
4. Responds to Contractor/Builder or Owner's actions.
5. If Contractor/Builder neglects or refuses to settle penalties assessed, collects pursuant to the *Penalty Enforcement Law of 1999* (N.J.S.A. 2A:58-10 et seq.).

For additional information, refer to UCC Bulletin No. 05-1, Issuance of Notice of Violation After Issuance of Certificate of Occupancy and Transfer of Title, June 2005.

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### **8.2.0 Appeals**

#### **8.2.1 Application for a Variation**

##### Responsibility

Construction Official or Subcode Official

##### **Action**

1. Gives Owner/agent a blank Application for Variation (UCC-F160).
2. Assists Owner/agent in completing application.
  - a. Determines and collects fees.
3. Reviews completed Application for Variation.
4. After reviewing, contacts Owner/agent for additional information, as necessary.
5. Makes decision on application within twenty (20) days of receipt by CCE office.
  - a. If office falls to respond within twenty (20) business days, application is automatically denied.
6. Checks at the bottom of the Application for a Variation, Denied or Granted, as appropriate.
7. Signs and dates the application, obtaining all pertinent Subcode Officials', as well as the Construction Official's signature.
8. States reason(s) for the decision made, attaching statement to application.
9. Makes copy and files application and statement with CPA in Central File.
10. Delivers original statement and application to Owner/agent (see N.J.A.C. 5:23-2.33 for service requirements).
11. Takes appropriate follow-up action.
  - a. If variation granted, performs procedure "Plan Review and Fee Calculation" (3.1.3).
  - b. If variation is not granted:
    - i. Performs procedure, "Plan Review and Fee Calculation" (3.1.3) when Applicant submits revised plans.
    - ii. If Applicant wishes to appeal decisions, performs procedure "Application to Construction Board of Appeals" (8.2.2)

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### **8.2.2 Application to Construction Board of Appeals**

#### **Responsibility**

Technical Assistant

#### **Action**

1. Gives Owner/agent blank Application to Construction Board of Appeals form.
2. Assists Owner/agent in completing application.
3. Responds to board as needed,

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### **8.2.3 Decision of the Construction Board of Appeals**

#### **Responsibility**

Technical Assistant

#### **Action**

1. Receives decision of the Construction Bd. of Appeals from the board.
2. Reviews decision and takes appropriate action.
3. Files decision with CPA in Central File.



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### **Appendix A. –Construction Permit Application Instructions**

Instructions for completing Construction Permit Applications and Technical Sections are as follows:

#### **UCC-F100, Construction Permit Application –pg. 1.**

Applicant completes sections I, II, III, IV, VI and VII. CCE Office completes sections V.

##### I. Identification

1. Work site. Record the address at which the construction project will occur.
2. Name of Owner in Fee. Record the property owner's name, telephone no. e-mail address (if any), and traditional mailing address; include municipality and zip code.
3. Ownership in Fee. Indicate whether ownership is Public or Private.
4. Principal Contractor. Record the name, telephone no., traditional address and e-mail address of the principal contractor. If the project is new residential construction, record the contractor's Builder Registration No. If the project involves a single subcode, and the subcode contractor and principal contractor are one in the same, and the project is for:
  - Electrical or Plumbing work only, then record the contractor's Electrical or Master Plumber's license no.
  - Fire protection equipment, then record the contractor's certification no.
  - Burglar alarm, fire alarm or electronic security systems, then record the contractor's license no.
  - A home improvement project, then record the contractor's Home Improvement Contractor registration no., or reason for exemption.
  - A landscape irrigation system, then record the contractor's Landscape Irrigation Contractors certification.

*See N.J.A.C. 5:23-2.15(b) for licensing, registration, certification requirements.*

- If you are a homeowner performing your own work, record *Homeowner* in section I-5.

*Note: Contractor information must include License or Builder Registration number, where applicable, and Federal Employer Number.*
5. Architect or Engineer. Record the architect or engineer's firm name, contact person, traditional address, e-mail address, telephone and Fax no.
  6. Responsible Person in Charge once Work has Begun. Record the name, telephone no. and Fax no. (if available) of the person who is responsible to the owner for ensuring that all work is installed and

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completed in conformity with the regulations. This person may be the design architect or engineer, the contractor or a 3<sup>rd</sup> party acceptable to the Construction Official.

### II. Proposed work

#### 1. Indicate what type of work will be performed.

- Minor work –construction work undertaken in existing structures, requiring no prior approvals and no plan review, not altering in any way the structural members of a building and meeting the definition set forth in N.J.A.C. 5:23-2.17A.
- New building –the building of a structure where previously there was none.
- Addition –the increase in area and volume of an existing structure.
- Demolition.
- Repair –the restoration to a good or sound condition of materials, systems and/or components that are worn, deteriorated or broken using materials or components identical to or closely similar to the existing.
- Renovation –the removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space.
- Alteration –the rearrangement of any space by the construction of walls or partitions, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional equipment or fixtures and any work which affects a primary structural component.
- Reconstruction –any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied.
- Asbestos Abatement (Subch. 8).
- Lead Hazard Abatement.
- Radon Remediation.
- Annual Permit –an annual Permit may be issued to an educational, industrial, institutional, mercantile, business or government facility; see N.J.A.C. 5:23-2.14(c) thru (e) for specifics.

#### 2. Subcodes –check all that apply. Estimate the labor and equipment costs of the work to be performed, by subcode, and then total.

### III. Plan Review

1. Indicate whether partial releases on plan review is desired.
2. Indicate whether prototype processing is in order; see N.J.A.C. 5:23-2.15(f)2.

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- IV. Does or will this building contain... –indicate by checkmark, all that apply.
- V. Fee Summary –for *Office* use only.
- VI. Building/Site Characteristics –if proposed work is New Building, Addition or Demolition, items 1 thru 12 in section VI *must* be completed.
- VII. Description of Building Use –Complete section VII-A if the structure’s primary use is residential; complete section VII-B if the structure’s primary use is non-residential. All applicants must complete sections VII-C and VII-D.

### **Construction Permit Application –pg. 2. Certification in Lieu of Oath**

Complete section I if applicant is owner in fee of the property listed on page 1 as the proposed work site.

Complete section II if the applicant is anybody other than the property’s owner in fee.

Complete section III if applicable to your construction project.

### **Construction Permit Application –pg. 3.**

CCE Office completes sections VIII, IX and X.

### **UCC-F110, Building Subcode Technical Section**

Applicant completes sections A, B, C and D. CCE Office completes *Job Summary* and *Fee* sections.

#### **A. Identification**

- Work site. Record the Block, Lot, Qualification Code and street address of the proposed work site location.
- Owner. Record the property owner’s name, telephone no. e-mail address, if any, and traditional mailing address; include municipality and zip code.
- Contractor. Record the name, telephone no., traditional mailing address and e-mail address, if any, of the contractor. If the project is new residential construction, record the contractor’s Builder Registration no. If the project is a home improvement project, record the contractor’s Home Improvement Contractor Registration no. or reason he/she is exempt for this project. Record the contractor’s Federal Employer ID no. and FAX no., if any. If you are a homeowner performing your own work, record *Homeowner* in the Contractor section.

#### **B. Building Characteristics**

- Indicate the structure’s present and proposed use group.
- Indicate the structure’s present and proposed construction classification.
- Indicate the structure’s:

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- Number of stories.
  - Height of structure.
  - Area of largest floor.
  - New building area.
  - Volume of new structure.
  - Total land area disturbed.
  - Indicate the estimated cost of the building work:
    1. New building
    2. Alteration
    3. Total (1&2).
- C. Certification in Lieu of Oath
- Please sign accordingly and emboss if Contractor.
- D. Technical Site Data
- Description of Work. Briefly describe activity to take place, with comments.
  - Type of Work. Indicate by checking, the type of work to be conducted.
- E. CCE Office completes *Job Summary* and *Fee* sections.

### **UCC-F120, Electrical Subcode Technical Section**

Applicant completes sections A, B, C and D. CCE Office completes *Job Summary* and *Fee* sections.

- A. Identification
- Work site. Record the Block, Lot, Qualification Code and street address of the proposed work site location.
  - Owner. Record the property owner's name, telephone no. e-mail address, if any, and traditional mailing address; include municipality and zip code.
  - Contractor. Record the name, telephone no., traditional mailing address and e-mail address, if any, of the contractor. Record the contractor's *Electrical Contractor* license no. If the project is a home improvement project, record the contractor's Home Improvement Contractor Registration no. or reason he/she is exempt for this project. Record the contractor's Federal Employer ID no. and FAX no., if any. If you are a homeowner performing your own work, record *Homeowner* in the Contractor section.
- B. Electrical Characteristics
- Indicate the structure's present and proposed use group.
  - Indicate Pole/Pad no. The *pole* or *pad* number is a reference number the utility company uses to determine the electrical service cut-in location; it may be found on a metal plate mounted on the pole for

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overhead service, or on the pad-mounted transformer for underground service. Providing the *pole* or *pad* number is required if your construction project affects the electrical service.

- Indicate if electrical service is temporary or other; if service is other than permanent or temporary, indicate type, e.g., diesel-powered generator.
  - Indicate how the building is occupied.
  - Indicate the utility company.
  - Estimate the total labor and materials cost of your electrical work.
- C. Certification in Lieu of Oath
- Sign in the space provided; check the appropriate box.
  - If you are a contractor, emboss with your license seal.
- D. Technical Site Data
- Description of Work. Briefly describe activity to take place, with comments.
  - Type of Work. Indicate the quantity and size, where applicable, of all fixtures and equipment that are a part of this construction project.
- E. CCE Office completes *Job Summary* and *Fee* sections.

### **UCC-F130, Plumbing Subcode Technical Section**

Applicant completes sections A, B, C and D. CCE Office completes *Job Summary* and *Fee* sections.

- A. Identification
- Work site. Record the Block, Lot, Qualification Code and street address of the proposed work site location.
  - Owner. Record the property owner's name, telephone no. e-mail address, if any, and traditional mailing address; include municipality and zip code.
  - Contractor. Record the name, telephone no., traditional mailing address and e-mail address, if any, of the contractor. Record the contractor's *Master Plumber's Contractor* license no. If the project is a home improvement project, record the contractor's Home Improvement Contractor Registration no. or reason he/she is exempt for this project. Record the contractor's Federal Employer ID no. and FAX no., if any. If you are a homeowner performing your own work, record *Homeowner* in the Contractor section.
- B. Plumbing Characteristics
- Indicate the structure's present and proposed use group.
  - Indicate the building's sanitary sewer line size; indicate whether sanitary sewer is *Public* sewer or *Private* septic.

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- Indicate the building's water service line size; indicate whether water service is *Public* water or *Private* well.
- Estimate the total labor and materials cost of your plumbing work.
- C. Certification in Lieu of Oath
  - Sign in the space provided; check the appropriate box.
  - If you are a contractor, emboss with your license seal.
- D. Technical Site Data
  - Description of Work. Briefly describe activity to take place, with comments.
  - Type of Work. Indicate the quantity of all fixtures and equipment that are a part of this construction project.
- E. CCE Office completes *Job Summary* and *Fee* sections.

### **UCC-F140, Fire Protection Subcode Technical Section**

Applicant completes sections A, B, C and D. CCE Office completes *Job Summary* and *Fee* sections.

- A. Identification
  - Work site. Record the Block, Lot, Qualification Code and street address of the proposed work site location.
  - Owner. Record the property owner's name, telephone no. e-mail address, if any, and traditional mailing address; include municipality and zip code.
  - Contractor. Record the name, telephone no., traditional mailing address and e-mail address, if any, of the contractor. For fire protection equipment, record the NJ Div. of Fire Safety *Permit* number; record the NJ Div. of Fire Safety *Installer* number. Record the contractor's *Fire Alarm Contractor* no. If the project is a home improvement project, record the contractor's Home Improvement Contractor Registration no. or reason he/she is exempt for this project. Record the contractor's Federal Employer ID no. and FAX no., if any. If you are a homeowner performing your own work, record *Homeowner* in the Contractor section.
- B. Fire Protection Characteristics
  - Indicate the structure's present and proposed use group.
  - Indicate the structure's present and proposed construction classification.
  - Indicate whether work being done to the building's heating system is new, a modification to an existing system, a conversion or replacement system; indicate its fuel type and location.
  - Indicate the fuel type and capacity of any fuel storage tanks present.

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- Indicate whether the fire alarm system is *new* or *existing* and the location of its panel.
  - Indicate whether the fire suppression/standpipe system is *new* or *existing* and the location of the main control valve.
  - Estimate the total labor and materials cost of your fire protection work.
- C. Certification in Lieu of Oath
- Sign in the space provided; check the appropriate box.
- D. Technical Site Data
- Description of Work. Briefly describe activity to take place, with comments.
  - Indicate the water supply source and method of alarm or suppression system supervision.
  - Type of Work. Indicate the quantity of all fixtures and equipment that are a part of this construction project.
- E. CCE Office completes *Job Summary* and *Fee* sections.

### **UCC-F145, Mechanical Inspection Technical Section**

Applicant completes sections A, B, C and D. CCE Office completes *Job Summary* and *Fee* sections.

Important Note: the Mechanical Inspection Technical Section is to be used for the inspection of mechanical equipment for projects in existing Group R-3 or R-5 buildings.

- A. Identification
- Work site. Record the Block, Lot, Qualification Code and street address of the proposed work site location.
  - Owner. Record the property owner's name, telephone no. e-mail address, if any, and traditional mailing address; include municipality and zip code.
  - Contractor. Record the name, telephone no., traditional mailing address and e-mail address, if any, of the contractor. Record the contractor's registration number or reason he/she is exempt for this Record the contractor's Federal Employer ID no. and FAX no., if any. If you are a homeowner performing your own work, record *Homeowner* in contractor section.
- B. Mechanical Characteristics
- Indicate the structure's present and proposed use group. Note: can *only* be R-3 or R-5.

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- When applicable, indicate the building's sanitary sewer line size; indicate whether sanitary sewer is *Public* sewer or *Private* septic.
  - When applicable, indicate whether the system is new, modification of existing system, conversion or replacement.
  - Indicate type of equipment/appliance and type of fuel.
  - Estimate the total labor and materials cost of your mechanical work.
- C. Certification in Lieu of Oath
- Sign in the space provided.
- D. Technical Site Data
- Description of Work. Briefly describe activity to take place, with comments.
  - Type of Work. Indicate the quantity of all fixtures and equipment that are a part of this construction project.
- E. CCE Office completes *Job Summary* and *Fee* sections.

### **UCC-F150, Elevator Subcode Technical Section**

Applicant completes sections A, B, C and D. CCE Office completes *Job Summary* and *Fee* sections.

#### A. Identification

- Work site. Record the Block, Lot, Qualification Code and street address of the proposed work site location.
- Owner. Record the property owner's name, telephone no. e-mail address, if any, and traditional mailing address; include municipality and zip code.
- Contractor/Installer. Record the name, telephone no., traditional mailing address and e-mail address, if any, of the contractor/installer. If the project is a home improvement project, record the contractor/installer's Home Improvement Contractor Registration no. or reason he/she is exempt for this project. Record the contractor/installer's Federal Employer ID no. and FAX no., if any.
- Maintenance/Service Contractor. Record the name, traditional mailing address and e-mail address, if any, telephone and FAX no., if any, of the maintenance/service contractor.

If you are a homeowner performing your own work, record *Homeowner* in the Contractor section.

#### B. Elevator Characteristics

- Indicate the structure's use group.
- Indicate the building's NJDCA *Elevator Safety* registration number.
- Indicate the elevator device manufacturer, device ID and machine room location.



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- Indicate the number of stops, number of openings, travel in feet, speed in feet per minute, type of control, type of operation and capacity in pounds.
  - Indicate whether the elevator device is passenger or freight.
  - Indicate its year of installation, the standard applied, its year of alteration, if applicable, and the standard applied.
  - Estimate the total labor and materials cost of your elevator work.
- C. Certification in Lieu of Oath
- Sign and date in the space provided.
- D. Technical Site Data
- Description of Work. Briefly describe activity to take place, with comments.
  - Type of Work. Indicate the quantity of all elevator devices by type. If more than one elevator device is present, use UCC-F155, Supplement for Multiple Equipment, to provide elevator characteristics information (section B) for additional devices.
- E. CCE Office completes *Job Summary* and *Fee* sections.