

Currently, the Uniform Construction Code addresses the issue of whether installation of communications wiring is minor work, which requires a permit and inspection, rather than ordinary maintenance, which requires neither, by differentiating based on the construction class of the building. The real issue, however, is whether the installation breaches a fire resistance-rated assembly.

Because the Department has provided a 60-day comment period for this notice, this proposal is excepted from the rulemaking calendar requirement under N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments would have a positive social impact by making it clear that permits and inspections are required when installation of communications wiring breaches a fire resistance-rated assembly, but not in circumstances where such is not the case, such as installation through walls within units, which is equivalent, from the standpoint of fire safety, to installation in a single-family house, which is currently deemed to be ordinary maintenance.

Economic Impact

The proposed amendments would have a positive economic impact in that they would facilitate, and eliminate permit fees for, the installation of communication wiring within dwelling units in multifamily housing in those cases where no fire resistance-rated assemblies would be breached.

Federal Standards Statement

A Federal standards analysis is not required because these amendments 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 under a State statute that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The Department does not expect the proposed amendments to result in an increase or decrease in the number of jobs in New Jersey.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The proposed amendments would not impose any additional reporting, recordkeeping or other compliance requirements on "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., nor would the proposed amendments require businesses to hire professional services. The proposed amendments make it clear that permits and inspections are required when installation of communications wiring breaches a fire resistance-rated assembly, but not in circumstances where such is not the case.

Smart Growth Statement

The Department does not expect that the proposed amendments would have any impact upon either the achievement of smart growth or implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The proposed amendments are intended to make it clear that installation of communications wiring is minor work, rather than ordinary maintenance, only when it involves penetration of a fire resistance-rated assembly. The amendments would be most unlikely to have any impact upon housing production costs or to affect affordability.

Smart Growth Development Impact

The proposed amendments are intended to make it clear that installation of communications wiring is minor work, rather than ordinary maintenance, only when it involves penetration of a fire resistance-rated assembly. The amendments would be most unlikely to have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

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

- 5:23-2.7 Ordinary maintenance
 - (a) (No change.)
 - (b) Ordinary maintenance shall not include any of the following:
 - 1.-5. (No change.)
 - 6. Addition to, or alteration, replacement or relocation of:
 - i.-ii. (No change.)
 - iii. Electrical wiring, except that the following shall be considered ordinary electrical maintenance:
 - (1) Communications wiring, [in a Class 3 structure] provided that the installation does not involve the alteration or penetration of a fire-rated assembly and is not in a hazardous location as defined in Chapter 5 of the electrical subcode.
 - (A) (No change.)
 - iv. (No change.)
 - 7. (No change.)
 - (c) The following items are ordinary maintenance and shall be treated as such by every enforcing agency. No permit for, inspections of, or notice to the enforcing agency of ordinary maintenance shall be required. This is not an all-inclusive listing of ordinary maintenance.
 - 1.-2. (No change.)
 - 3. Ordinary electrical maintenance shall include:
 - i.-ii. (No change.)
 - iii. Installation of communications wiring [for communications wiring in a Class 3 structure], provided that the [rearrangement] **installation** does not involve penetration of a fire-rated assembly and is not in a hazardous location as defined in Chapter 5 of the electrical subcode;
 - (1) (No change.)
 - iv.-v. (No change.)
 - 4.-6. (No change.)
- 5:23-2.17A Minor work
 - (a)-(b) (No change.)
 - (c) Minor work:
 - 1.-3. (No change.)
 - 4. Minor work shall also mean and include the following:
 - i.-iii. (No change.)
 - iv. The installation of communications wiring in any [Class 1 or Class 2 structure or any Class 3] structure involving the penetration of a fire-resistance rated assembly.
 - (1) (No change.)
 - 5.-6. (No change.)
 - (d) (No change.)

(a)

DIVISION OF FIRE SAFETY

Uniform Fire Code

School Fire Drills

Proposed Amendment: N.J.A.C. 5:70-3.2

Proposed New Rule: N.J.A.C. 5:70-2.24

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-198.

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

Proposal Number: PRN 2010-247.

Submit written comments by December 17, 2010 to:

Michael L. Ticktin, Esq.
 Chief, Legislative Analysis
 Department of Community Affairs
 P.O. Box 802
 Trenton, NJ 08625-0802
 Fax Number: (609) 633-6729
 Email: Mticktin@dca.state.nj.us

The agency proposal follows:

Summary

P.L. 2009, c. 178, which became effective on January 11, 2010, changed the requirements for the school fire drills. While they were previously required to perform two fire drills per month, schools are now required to have monthly school security drills to improve emergency preparedness, but only one fire drill per month. The proposed amendment would modify the existing State Fire Prevention Code to be consistent with the statute. In addition, the Department proposes to add a requirement through proposed new rule N.J.A.C. 5:70-2.24 that initial fire inspections of schools be conducted prior to June 1st of each calendar year, in order to allow the fire code enforcement officials to observe the school while in session. If the event of any violations, the school would then have adequate time to complete abatement prior to the beginning of the new school year.

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

Social Impact

The proposed amendment and new rule would implement a statute that may be expected to have a beneficial social impact upon school security emergency preparedness.

Economic Impact

The Department does not anticipate that the proposed amendment and new rule would have any economic impact.

Federal Standards Statement

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

Job Impact

The Department does not anticipate that any jobs would be created or lost as a result of the proposed amendment and new rule.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendment and new rule would have any impact on the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendment and new rule do not impose recordkeeping or reporting requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment conforms the rule to the current statutory requirement for the number of school fire drills. The proposed new rule would require schools, including private schools that may be small businesses, to arrange for the initial annual inspection of educational occupancies required by N.J.A.C. 5:70-2.5 to be conducted prior to June 1st of each calendar year. There is no inherent cost to this scheduling requirement for an inspection already mandated, and the inspection is conducted by the local enforcing agency. As the requirement is intended to enhance public safety, no differentiation in the requirement is provided for small businesses.

Smart Growth Impact

The Department does not expect that the proposed amendment and new rule would have any impact upon either achievement of smart growth or implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The proposed amendment and new rule are intended to implement a statute concerning emergency drills in schools. The amendment and new rule would be most unlikely to have any impact upon housing production costs or affordability.

Smart Growth Development Impact

The proposed amendment and new rule are intended to implement a statute concerning emergency drills in schools. The amendments and new rule would be most unlikely to have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

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

5:70-2.24 Inspection of educational occupancies

The initial annual inspection of educational occupancies required by N.J.A.C. 5:70-2.5 must be conducted prior to June 1st of each calendar year.

5:70-3.2 Modifications

(a) The following articles or sections of the State Fire Prevention Code are modified as follows:

1.-3. (No change.)

4. Chapter 4, Emergency Planning and Preparedness, shall be amended as follows:

i.-ix. (No change.)

x. Table 405.2, Fire and Evacuation Drill Frequency and Participation, shall be amended as follows:

[Delete "Monthly" under Frequency column, row 3, and insert "Two drills per month ""]

Insert "Monthly to include" under Frequency column, row 4, and insert "All occupants" under Participation column

Delete Group R-4 under Group or Occupancy column, row 7, and insert "Therapeutic Residences"

Insert "Monthly to include" in the Frequency column, row 7, before "Quarterly on each shift"

Delete "Employee" in the Participation column row 7 and insert "All occupants"

Delete "Employee" in the Participation column row 8 and insert "All occupants"

Add new rows as follows: under Group or occupancy, add "Casino" in row 9, "Flammable Liquid Terminals" in row 10 and "Group overnight Stays" in row 11.

Under Frequency, add "Twice per year" in row 9, "Twice per year" in row 10, and "At the start of each night's activities" in row 11.

Under participation, add "Employees" in row 9, "Employees" in row 10 and "All occupants" in row 11.

The table should appear as follows:

TABLE 405.2

FIRE AND EVACUATION DRILL
FREQUENCY AND PARTICIPATION

(No change to text of Table and footnotes.)

xi.-xxiv. (No change.)

5.-46. (No change.)

(a)

NEW JERSEY HISTORIC TRUST

**Garden State Historic Preservation Trust Fund
Grants Program**

**General Provisions; Application Procedure and
Eligibility; Grant Funds Allocation**

**Proposed Amendments: N.J.A.C. 5:101-1.1, 1.3, 2.1,
2.3, 2.5, 2.8, 2.9, 3.1, 3.5 and 3.7**

Authorized By: New Jersey Historic Trust, Deborah Kelly, Chair,
Board of Trustees.

Authority: N.J.S.A. 13:1B-15.114(c), 13:1B-15.115 and 13:8C-42;
P.L.1999, c.152, s.42.

Calendar Reference: See Summary below for an explanation of the
exception to the rulemaking calendar requirements.

Proposal Number: PRN 2010-244.

Submit comments in writing by December 17, 2010 to:

Dorothy P. Guzzo, Executive Director
New Jersey Historic Trust
P.O. Box 457
Trenton, NJ 08625-0457

The agency proposal follows: