

NEW JERSEY BUILDING OFFICIALS ASSOCIATION

Presentation at the New Jersey League of
Municipalities November 15, 2022:

**“Ethics Requirements for Building
Departments”**



About NJBOA

The New Jersey Building Officials Association was established in **1929**. We are a not-for-profit organization recognized as a chapter of the International Code Council, and are devoted to protecting the health, safety, and welfare of the public, by promoting professionalism, education, and ethics. NJBOA's Active Membership is comprised of licensed Code Officials and Inspectors of all disciplines, as well as Technical Assistants. We have Associate, Subscribing, and Honorary memberships available to others engaged in the building industry, including housing, planning, zoning, and manufacturers' representatives. As always, we welcome people from many career backgrounds to consider joining our organization, or come to any meeting as our guest. NJBOA is proud to be the only statewide association, inclusive of Code Officials and members of diverse backgrounds, that is recognized by the Department of Community Affairs. NJBOA will continue to actively support and participate in the Building Safety Conference of New Jersey, as we have done for over 35 years. NJBOA is an organization that remains strong in membership, and have welcomed an increase of new applicants each year. NJBOA is a tried and true brotherhood whose success is written in our legacy. The NJBOA Executive Board would like thank our members, Past Presidents, and communities, for their unwavering support, which has helped pave the way to its success thus far. NJBOA will continue to forge ahead with strong leadership and the proven confidence of its members, through this decade and beyond.

Website: <http://www.newjerseyboa.com>

LinkedIn:

<https://www.linkedin.com/company/new-jersey-building-officials-association-inc-/about/?viewAsMember=true>

The NJBOA Ethics Committee:

Today's NJBOA Ethics Committee presentation
will be a discussion entitled...

“Ethics Requirements for Building
Departments”

The NJBOA Ethics Committee:

This presentation is a group effort by the New Jersey Building Officials Association Ethics Committee, consisting of the following Construction Officials:

- **John Fiedler, NJBOA President** – Hillsborough
 - **Pat Naticchione** – Egg Harbor
 - **Bob LaCosta** – Scotch Plains

◦

NJBOA's presentation today will focus on the following areas:

- The NJDCA Code of Ethics
- Required Inspections
- Conflict of Interest
- NJ Tort Claims Act including:
 - Misfeasance
 - Malfeasance
 - Willful Misconduct

“Ethics Requirements for Building Departments”

Your participation is encouraged!

This should not be just a “Code Reading” session!



State of New Jersey

CODE OF ETHICS

The protection of life, health, and property is a solemn responsibility of the highest order. Recognizing the public's trust bestowed upon individuals engaged in the administration and enforcement of construction codes, the Department of Community Affairs and licensed code officials throughout the State of New Jersey are committed to a standard of professional behavior that exemplifies the highest ideals and principles of ethical conduct.

- *Code Officials will never use their positions to secure any special benefit to themselves, their families, or their friends.*
- *Code Officials will never accept any gift or gratuity from anyone whose work they regulate.*
- *Code Officials will recuse themselves from enforcement of the Uniform Construction Code in matters where they, their families, or close friends have a direct or indirect personal or financial interest that might appear to conflict with the proper discharge of the duties of the Code Official.*
- *Code Officials will never knowingly act in a way that might create an impression or suspicion among the public that they are engaged in conduct violative of the public trust.*
- *Code Officials will always make decisions in connection with their official duties on a fair and impartial basis, and without regard to race, color, sex, religion, age, handicap, national origin, marital status, sexual orientation, political affiliation, or other inappropriate consideration.*
- *Code Officials will never conduct themselves such that it might be reasonably inferred that the influence of a personal relationship caused them to act in a biased or partial manner.*
- *Code Officials will never recommend or disparage products, suppliers, or contractors, or otherwise show partiality or exercise undue influence in any way.*
- *Code Officials will perform their duties to the best of their ability at all times and will not accept additional employment that would leave insufficient time to perform their duties properly.*
- *Code Officials will perform their duties with professionalism and with courtesy toward all.*

**OUR CODE OF ETHICS as provided by the NJDCA
(and as you should have posted in the Building Department!)**

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(and as you should have posted in the Building Department!)***

- ***“Code officials will perform their duties with professionalism and with courtesy toward all.***

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

5:23-2.18 Inspections

(a) Preliminary inspection: Before issuing a permit, the construction official and appropriate subcode official shall, where necessary, examine or cause to be examined all buildings, structures and sites for which an application has been filed for a construction permit.

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

...YES!..., you can visit the site before a Permit is issued. Especially if you need to clarify any concerns raised during plan review.

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(b) Inspections during the progress of work: The construction official and appropriate subcode officials shall carry out periodic inspections during the progress of work to ensure that work inspected conforms to the requirements of the code.

1. Inspections of one- and two-family dwellings for which construction must cease until the inspection is made shall be limited to the following:

i. The bottom of footing trenches before placement of footings;

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

Don't forget the footing bonding wire when one is required and installed!

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(1) In the case of pile foundations, a pile log and certification prepared by a licensed design professional shall take the place of the inspection required by (b)li above. Such certification shall include, but not be limited to, verification that the size, type, and location of the piles conforms to the released plans and that the piles are properly set to support the design loads. Such certification shall be based upon personal observations made by the design professional at the site;

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

ii. Foundations and all walls up to grade level prior to covering or back filling;

(1) For new construction, a foundation location survey showing all building corners of the foundation and the elevation of the top of the foundation wall shall be submitted to the construction official as soon as possible after the installation of the foundation wall. It is not necessary for work to cease for the preparation and submission of this survey. A land surveyor licensed in the State of New Jersey shall prepare the survey. The proposed foundation location and elevation as shown on the original plot plan shall also be shown on the foundation location survey.

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(A) *Exception:* A foundation location survey shall not be required for additions, decks, swimming pools, sheds or similar structures.

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(2) For new construction, additions, and work that is determined to be a substantial improvement pursuant to N.J.A.C. 5:23-6.3A, the foundation location survey, including the lowest floor elevation and as-built elevation documentation, for a building that is located in a flood hazard area shall be submitted to the construction official and to the local floodplain administrator and shall include elevation certificates as required by section 1612.5 of the building subcode or section R322.1.10 of the one- and two- family dwelling subcode; the documentation and certificates shall be submitted prior to further vertical construction;

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

- iii. Utility services, including septic;

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

“Is a sheathing inspection required in this town?”

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

iv. Mid-point inspections shall include the following:

(1) Building Subcode: All structural framing, connections, wall and roof sheathing, and insulation.

(Inspection of braced wall panels should be done during the wall sheathing inspection.)

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(A) The framing inspection shall take place after the rough electrical and plumbing inspections and after the installation of the heating, ventilation and/or air conditioning duct system.

*(THERE IS A SEQUENCE REQUIRED
for ROUGH INSPECTIONS ONLY!)*

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(B) For buildings containing roof or other truss systems, a truss system and permanent truss bracing inspection shall be performed prior to the installation of any interior roof truss covering material. Where the truss design utilizes the interior finish as bracing for the bottom cord, that portion of the bracing shall be part of the final inspection and shall be in addition to the components of the final inspection in (d) below.

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(C) The insulation inspection shall be performed after all other subcode rough inspections and prior to the installation of any interior finish material.

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(D) Prior to inspection, the responsible person in charge of work shall provide to the building inspector a signed framing checklist (Form F390) to be verified and initialed by the inspector and then made part of the permit file for buildings of Type V construction.

PERMIT # _____

LOT: _____ BLOCK: _____

FRAMING CHECKLIST

Instructions: Builder or Builder's representative checks boxes marked 'B'. Building Inspector checks boxes marked 'I'. Responsible Person in Charge of Work signs, initials and dates in spaces provided. Building Inspector initials and dates in spaces provided.

NOTE: ALL ITEMS SHOULD BE AS SHOWN ON THE PLANS OR AS REQUIRED BY CODE.

A. BASEMENT OR CRAWL SPACE

1. ANCHORAGE:

BOLTS

SPACING

SIZE

STRAPS

SPACING (PER MANUFACTURER'S SPECS)

SIZE

2. SILL PLATES:

SIZE

GRADE, SPECIES

TREATMENT

LAPS

SILL SEALER

PROPER TREATMENT OVER FOUNDATION OPENINGS (BEARING OF JOIST)

TERMITE PROTECTION

3. BEAM POCKETS:

BEARING/SHIMS

TERMITE PROTECTION OR CLEARANCE

4. COLUMNS:

SIZED PER PLAN

ATTACHMENT/PLATES

SPACING/LOCATION

PAINT/COATING

B. FLOOR FRAMING AND FLOORING

1. BOX OR RIM JOIST, OR PERIMETER BAND JOIST:

1 ST	2 ND	3 RD	FLOOR
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SIZE
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	GRADE, SPECIES
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SINGLE OR DOUBLE
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	PRE-ENGINEERED PER MANUFACTURER'S SPECS
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	CANTILEVERS AS PER DESIGN

2. GIRDERS AND BEAMS:

SIZED PER PLAN

TYPE

GRADE, SPECIES

LOCATION AND RELATION TO THE PLAN

NAILING

ATTACHMENT SCHEDULE

BEARING

LAPPING

3. FLOOR JOIST:

1 ST	2 ND	3 RD	FLOOR
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SIZED PER PLAN
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	GRADE, SPECIES
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	PRE-ENGINEERED COMPONENTS AS SPECIFIED
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	BEARING
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	NAILING
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	BRIDGING
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	CUTTING AND NOTCHING (AS PER CODE)
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	POINT LOADS - SUPPORTED AS PER PLAN
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SPAN HANGERS
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	HEADERS
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	FRAMED OPENINGS

4. FLOORING, SHEATHING, OR DECKING:

1 ST	2 ND	3 RD	FLOOR
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	PANEL SPAN, THICKNESS

5. STAIR ATTACHMENT:

1 ST	2 ND	3 RD	FLOOR
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	BEARING
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	NAILING

SPECIAL REQUIREMENTS

EDGE BLOCKING (IF REQUIRED)

GAPPING

LAYOUT

I hereby certify that I inspected this building using this checklist and it conforms to the released plans and to the requirements of the Uniform Construction Code, N.J.A.C. 5:23.

Responsible Person in Charge of Work: _____ Date: _____

Building Inspector
Initials: _____

Date: _____

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(2) Electrical Subcode: Rough wiring, panel and service installation.

(3) Plumbing Subcode: Rough piping.

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

How many times have you heard this question...

“Is it OK if I take pictures? I don't want to wait for another inspection.”

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

If you are considering this as an acceptable option in lieu of an inspection, ask yourself these questions first...

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

1. Will pictures accurately depict all details needed as if you were on the site conducting the required inspection?
2. Will pictures accurately provide you soil conditions?
3. Will pictures accurately show the width and depth of footings?
4. Will pictures show proper rebar was used, and meets requirements for clearance to earth?

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

- 5. Will the pictures be from the right project?**

- 6. Would you feel confident enough to approve the inspection this way and sign off on the Technical? (It's your license!)**

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

I answer it this way...

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

Sure! Hey, here's some of the pictures I took....











???

Questions so far?

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

2. Inspections for all subcodes of construction, other than one- and two-family dwellings, shall be limited to those required for one- and two-family dwellings and the following: fire suppression systems; heat producing devices; any special inspections required by any subcode of the regulations;

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

- i. The mid-point inspection shall include a review for compliance with Barrier Free Accessibility in accordance with IBC Chapter 11 for buildings required to have handicapped accessibility.

HILLSBOROUGH TOWNSHIP
 Building Department
 The Peter J. Biondi Building
 379 South Branch Road
 Hillsborough, New Jersey 08844
 (908) 369-4313



**BUILDING SUBCODE
 TECHNICAL SECTION**



Date Received _____
 Control # _____
 Date Issued _____
 Permit # _____

A. IDENTIFICATION—APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN CHANGING CONTRACTORS, NOTIFY THIS OFFICE. CALL UTILITY DIG NO: 1-800-272-1000.

Block _____ Lot _____ Qualification Code _____

Work Site Location _____

Owner in Fee: _____

Tel. _____ e-mail _____

Address _____
street municipality zip code

Contractor: _____ Tel. _____

Address _____ e-mail _____

Contractor License No. or Builder Registration No. _____ Exp. Date _____

Home Improvement Contractor Registration No. or Exemption Reason _____

Federal Emp. ID No. _____ FAX: _____

C. CERTIFICATION IN LIEU OF OATH

I hereby certify that I am the (agent of) owner of record and am authorized to make this application.

Sign here: _____

Print name here: _____

D. TECHNICAL SITE DATA

DESCRIPTION OF WORK

TYPE OF WORK:

- New Building
- Addition
- Rehabilitation
- Roofing
- Siding
- Fence _____ Height (exceeds 6')
- Sign _____ Sq. Ft.
- Pool
- Retaining Wall _____ Sq. Ft.
- Asbestos Abatement Subchapter 8
- Lead Hazard Assessment NJAC 5:17
- Radon Remediation
- Other _____
- Demolition

FEE (Office Use Only)

\$ _____

JOB SUMMARY (Office Use Only)

PLAN REVIEW	Date	Initial	INSPECTIONS	Dates (Month/Day)			Initial
<input type="checkbox"/> No Plans Required	_____	_____	Type:	Failure	Failure	Approval	_____
<input type="checkbox"/> All	_____	_____	Footing	_____	_____	_____	_____
<input type="checkbox"/> Footings/Foundations	_____	_____	Footing Bonding	_____	_____	_____	_____
<input type="checkbox"/> Structural/Framework	_____	_____	Foundation	_____	_____	_____	_____
<input type="checkbox"/> Exterior	_____	_____	Slab	_____	_____	_____	_____
<input type="checkbox"/> Interior	_____	_____	Frame	_____	_____	_____	_____
			Truss Sys./Bracing	_____	_____	_____	_____
			Barrier-Free	_____	_____	_____	_____
Joint Plan Review Required:			Insulation	_____	_____	_____	_____
<input type="checkbox"/> Elec.	<input type="checkbox"/> Plumb.	<input type="checkbox"/> Fire	<input type="checkbox"/> Elevator	_____	_____	_____	_____
SUBCODE APPROVAL for PERMIT			Finishes -Base Layer	_____	_____	_____	_____
Date:	_____	_____	Finishes -Final	_____	_____	_____	_____
Approved by: _____			Energy	_____	_____	_____	_____
SUBCODE APPROVAL for CERTIFICATE			Mechanical	_____	_____	_____	_____
<input type="checkbox"/> CO	<input type="checkbox"/> CCO	<input type="checkbox"/> CA	TCO	_____	_____	_____	_____
Date:	_____	_____	Other	_____	_____	_____	_____
Approved by: _____			Final	_____	_____	_____	_____
			Barrier-Free	_____	_____	_____	_____

B. BUILDING CHARACTERISTICS

Use Group Present _____ Proposed _____
 No. of Stories _____
 Height of Structure _____ ft.
 Area — Largest Floor _____ sq. ft.
 New Bldg. Area/All Floors _____ sq. ft.
 Volume of New Structure _____ cu. ft.
 Max. Live Load _____
 Max. Occupancy Load _____

Constr. Class Present _____ Proposed _____
 If Industrialized Building:
 State Approved _____ HUD _____

Est. Cost of Bldg. Work:

- New Bldg. \$ _____
- Rehabilitation \$ _____
- Total (1+ 2) \$ _____

Administrative Charge \$ _____
 Minimum Fee \$ _____
 State Permit Exchange Fee \$ _____
 TOTAL FEE \$ _____

Sign next to "Barrier Free" in the "JOB SUMMARY" Box in the

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

ii. The requirement for a **framing checklist**, established at (b)liv(D) above, shall apply to buildings of Type V construction of Groups R-2, R-3 and R-4 only.

PERMIT # _____

LOT: _____ BLOCK: _____

FRAMING CHECKLIST

Instructions: Builder or Builder's representative checks boxes marked 'B'. Building Inspector checks boxes marked 'I'. Responsible Person in Charge of Work signs, initials and dates in spaces provided. Building Inspector initials and dates in spaces provided.

NOTE: ALL ITEMS SHOULD BE AS SHOWN ON THE PLANS OR AS REQUIRED BY CODE.

A. BASEMENT OR CRAWL SPACE

1. ANCHORAGE:

BOLTS

- SPACING
- SIZE

STRAPS

- SPACING (PER MANUFACTURER'S SPECS)
- SIZE

2. SILL PLATES:

- SIZE
- GRADE, SPECIES
- TREATMENT
- LAPS
- SILL SEALER
- PROPER TREATMENT OVER FOUNDATION OPENINGS (BEARING OF JOIST)
- TERMITE PROTECTION

3. BEAM POCKETS:

- BEARING/SHIMS
- TERMITE PROTECTION OR CLEARANCE

4. COLUMNS:

- SIZED PER PLAN
- ATTACHMENT/PLATES
- SPACING/LOCATION
- PAINT/COATING

B. FLOOR FRAMING AND FLOORING

1. BOX OR RIM JOIST, OR PERIMETER BAND JOIST:

- | 1 ST | 2 ND | 3 RD | FLOOR |
|---|---|---|---|
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | SIZE |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | GRADE, SPECIES |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | SINGLE OR DOUBLE |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | PRE-ENGINEERED PER MANUFACTURER'S SPECS |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | CANTILEVERS AS PER DESIGN |

2. GIRDERS AND BEAMS:

- SIZED PER PLAN
- TYPE
- GRADE, SPECIES
- LOCATION AND RELATION TO THE PLAN
- NAILING
- ATTACHMENT SCHEDULE
- BEARING
- LAPPING

3. FLOOR JOIST:

- | 1 ST | 2 ND | 3 RD | FLOOR |
|---|---|---|--|
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | SIZED PER PLAN |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | GRADE, SPECIES |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | PRE-ENGINEERED COMPONENTS AS SPECIFIED |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | BEARING |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | NAILING |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | BRIDGING |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | CUTTING AND NOTCHING (AS PER CODE) |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | POINT LOADS - SUPPORTED AS PER PLAN |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | SPAN HANGERS |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | HEADERS |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | FRAMED OPENINGS |

4. FLOORING, SHEATHING, OR DECKING:

- | 1 ST | 2 ND | 3 RD | FLOOR |
|---|---|---|-----------------------|
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | PANEL SPAN, THICKNESS |

5. STAIR ATTACHMENT:

- | 1 ST | 2 ND | 3 RD | FLOOR |
|---|---|---|---------|
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | BEARING |
| <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | NAILING |

SPECIAL REQUIREMENTS

- EDGE BLOCKING (IF REQUIRED)
- GAPPING
- LAYOUT

I hereby certify that I inspected this building using this checklist and it conforms to the released plans and to the requirements of the Uniform Construction Code, N.J.A.C. 5:23.

Responsible Person in Charge of Work: _____ Date: _____

Building Inspector
Initials: _____

Date: _____

C. WALL FRAMING

1. EXTERIOR WALL FRAME:

1 ST	2 ND	3 RD	FLOOR	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SIZE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SPACE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SPECIES AND GRADE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	CUTTING, NOTCHING, AND BORING	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	HEADER SIZES	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	JACK STUD BEARING	
TOP PLATES				
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	NAILING	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	LAPS	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	RAFTER TIES	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	HURRICANE STRAPS (AS REQUIRED)	

2. INTERIOR LOAD-BEARING WALLS:

1 ST	2 ND	3 RD	FLOOR	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SIZE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SPACE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	LAYOUT - SUPPORT BELOW PER CODE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SPECIES AND GRADE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	CUTTING, NOTCHING, AND BORING	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	FIRE BLOCKING	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	HEADER SIZES	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	JACK STUD BEARING	
TOP PLATES				
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	NAILING	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	LAPS	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	STRAPPING	

3. INTERIOR NON-LOAD-BEARING WALLS:

1 ST	2 ND	3 RD	FLOOR	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SIZE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SPACE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	SPECIES AND GRADE	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	CUTTING, NOTCHING, AND BORING	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	FIRE BLOCKING	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	HEADER SIZES	
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	TOP PLATE NAILING	

D. ROOF FRAMING

1. TRUSS ROOF FRAMING (AS PER DESIGN):

APPROVED DOCUMENTS WHICH SHOW:

<input type="checkbox"/> <input type="checkbox"/>	LAYOUT PLANS
<input type="checkbox"/> <input type="checkbox"/>	TRUSS MEMBERS
<input type="checkbox"/> <input type="checkbox"/>	CONNECTION SCHEDULE
<input type="checkbox"/> <input type="checkbox"/>	PERMANENT BRACING DETAILS
<input type="checkbox"/> <input type="checkbox"/>	DORMERS/ROOF STRUCTURES ON MANUFACTURER'S DRAWINGS
<input type="checkbox"/> <input type="checkbox"/>	EQUIPMENT/APPLIANCES ON MAN- UFACTURER'S DRAWINGS
<input type="checkbox"/> <input type="checkbox"/>	LOCATION AS PER LAYOUT
<input type="checkbox"/> <input type="checkbox"/>	ALIGNMENT
<input type="checkbox"/> <input type="checkbox"/>	BEARING
<input type="checkbox"/> <input type="checkbox"/>	SPACING
<input type="checkbox"/> <input type="checkbox"/>	CONNECTIONS TO BEARING POINTS
<input type="checkbox"/> <input type="checkbox"/>	NO CONNECTION TO NON-BEARING POINTS
<input type="checkbox"/> <input type="checkbox"/>	DAMAGE AND DEFECTS
<input type="checkbox"/> <input type="checkbox"/>	ENGINEERED METHOD OF REPAIR

2. PERMANENT TRUSS-TO-TRUSS BRACING

(AS PER DESIGN):

<input type="checkbox"/> <input type="checkbox"/>	LAYOUT
<input type="checkbox"/> <input type="checkbox"/>	SIZE
<input type="checkbox"/> <input type="checkbox"/>	TYPE
<input type="checkbox"/> <input type="checkbox"/>	NAILING
<input type="checkbox"/> <input type="checkbox"/>	OVERLAP
<input type="checkbox"/> <input type="checkbox"/>	TERMINATION
<input type="checkbox"/> <input type="checkbox"/>	TRANSITION (I.E., CROSS) BRACING

3. GABLE END BRACING (AS PER DESIGN):

<input type="checkbox"/> <input type="checkbox"/>	LAYOUT
<input type="checkbox"/> <input type="checkbox"/>	SIZE
<input type="checkbox"/> <input type="checkbox"/>	TYPE
<input type="checkbox"/> <input type="checkbox"/>	NAILING
<input type="checkbox"/> <input type="checkbox"/>	OVERLAP
<input type="checkbox"/> <input type="checkbox"/>	TERMINATION

4. SOLID SAWN ROOF FRAMING:

<input type="checkbox"/> <input type="checkbox"/>	SIZE
<input type="checkbox"/> <input type="checkbox"/>	GRADES, SPECIES
LAYOUT	
<input type="checkbox"/> <input type="checkbox"/>	SPACING
<input type="checkbox"/> <input type="checkbox"/>	SPAN
<input type="checkbox"/> <input type="checkbox"/>	BEARING
<input type="checkbox"/> <input type="checkbox"/>	FASTENING
<input type="checkbox"/> <input type="checkbox"/>	DAMAGE CAUSED BY FASTENERS (RAFTERS NOT SPLIT BY TOENAILS)
<input type="checkbox"/> <input type="checkbox"/>	CUTTING, NOTCHING, AND BORING
<input type="checkbox"/> <input type="checkbox"/>	BRIDGING
<input type="checkbox"/> <input type="checkbox"/>	RIDGE SIZE
<input type="checkbox"/> <input type="checkbox"/>	HURRICANE TIES WHERE APPLICABLE

E. SHEATHING

1. SHEATHING - EXTERIOR WALLS:

MATERIAL

<input type="checkbox"/> <input type="checkbox"/>	PANEL SPAN, THICKNESS
---	-----------------------

SPECIAL REQUIREMENTS

<input type="checkbox"/> <input type="checkbox"/>	GAPPING	<input type="checkbox"/> <input type="checkbox"/>	LAYOUT
<input type="checkbox"/> <input type="checkbox"/>	CORNER BRACING (IF REQUIRED)	<input type="checkbox"/> <input type="checkbox"/>	CLIPS (IF REQUIRED)

2. SHEATHING - ROOF:

MATERIAL

<input type="checkbox"/> <input type="checkbox"/>	PANEL SPAN, THICKNESS
---	-----------------------

SPECIAL REQUIREMENTS

<input type="checkbox"/> <input type="checkbox"/>	BLOCKING, EDGE (IF REQUIRED)	<input type="checkbox"/> <input type="checkbox"/>	GAPPING
<input type="checkbox"/> <input type="checkbox"/>	CLIPS (IF REQUIRED)	<input type="checkbox"/> <input type="checkbox"/>	LAYOUT

SHEATHING, FRT - ROOF

<input type="checkbox"/> <input type="checkbox"/>	FOUR FEET FROM FIREWALL
<input type="checkbox"/> <input type="checkbox"/>	NONCORROSIVE FASTENERS

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

- *The “Responsible Person in Charge of Work” is the one who certifies that they inspected the building with the framing checklist and it conforms to the released plans and the requirements of the U.C.C.*
- *The Inspector initials the checklist and it becomes part of the inspection records.*

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

3. Any additional inspections, as permitted by this chapter and as may be required by the municipality, shall be of the type and nature that construction may continue without interruption;

4. Additional inspection schedule: Where buildings proposed for construction exceed two stories in height or by their nature pose complex or unusual inspection problems, the construction official or appropriate sub code official may specify additional inspections to the applicant in writing prior to the issuance of a permit and during construction in the case of unforeseeable circumstances.

REQUIRED INSPECTION CHECKLIST

_____ **BUILDER'S COPY**

_____ **TOWNSHIP COPY**

PERMIT NUMBER MUST BE GIVEN WHEN REQUESTING INSPECTIONS

Permit #: _____ Block: _____ Lot: _____ Owner: _____

Address: _____

Required inspections for each subcode of this permit are indicated by either an (X) or hand written by the appropriate plan reviewer. **Rough Electric, Plumbing, Mechanical, and Fire must be Approved before scheduling a Frame inspection.**

The owner or other responsible person in charge of work must notify this agency **when work is ready** for any of the required inspections specified below. Requests for inspections must be made at least 24 hours prior to the date the inspection is desired. Inspections will be performed within three business days of the date requested. The work must not proceed in a manner which will preclude the inspection from being completed and approval given. Only an adult (18 yrs. or older) may grant access to an occupied building. Appropriate ladders must be set up on site if attics, basements, and/or crawlspaces do not have stairways to view required elements of inspection, including all framing and sheathing.

All inspection requests must be called into the Building Department, (908) 369-4313, ext. 7165, 7166 or 7204, and scheduled before any inspection can be conducted. Each property to be inspected must be properly identified by placing the Construction Permit Notice in area visible from the approach to the property. **The "BUILDER'S COPY" of plans released by the Building Department must be kept on the job site for the inspectors' use.** Any violations of the released plans and/or permit will be noted by the inspector and the holder of the permit notified. No inspection requests, permit updates, or plan revisions, will be accepted by inspectors in the field.

Before an application for Certificate of Occupancy can be made, all required Final inspections shall be conducted and approved **and all outside Prior Approvals received in writing.**

BUILDING SUBCODE INSPECTIONS:

- () Bottom of footings prior to placement of concrete and/or **compacted** gravel.
- () Reinforcement in footings, walls, bond beams, piers, etc., prior to placement of concrete.
- () Foundations and all walls prior to backfilling. New buildings must have a foundation location/elevation survey submitted to the Hillsborough Engineering Department before this inspection is scheduled.
- () Floor slabs, including required Radon mitigation and sub-slab insulation, prior to placement of concrete.
- () All exterior roof and wall sheathing.
- () Frame inspection which includes all structural walls, floors, roofs, fireblocking, firestopping, and truss bracing prior to covering with finish or infill materials. This inspection shall also include all required fastening, bracing, and special devices or hardware. **THIS INSPECTION SHALL BE CALLED FOR ONLY AFTER ROUGH PLUMBING, MECHANICAL, ELECTRICAL AND FIRE INSPECTION APPROVALS HAVE BEEN OBTAINED.** Structure must also be weather-tight.
- () Insulation inspection prior to installation of finish materials (ceilings, walls, and floors)
- () Drywall – each layer before spackling and taping on Fire-Rated Assemblies, Braced Wall & Shear Wall sections as applicable.
- () Above ceiling inspection prior to the installation of ceiling tiles.
- () Final inspection which includes equipment, final connections and all finish materials.
- () Other required inspections:

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(c) Notice for inspection:

1. The owner or other responsible person in charge of work shall notify the enforcing agency when the work is ready for any required inspection specified herein or required by the construction official or appropriate subcode official. This notice shall be given at least 24 hours prior to the time the inspection **is desired**. This notice shall represent an attestation on the part of the owner, other than single-family owner-occupants performing their own work, or other responsible person in charge of work, that the work has been completed in conformance with the code and is ready for inspection.

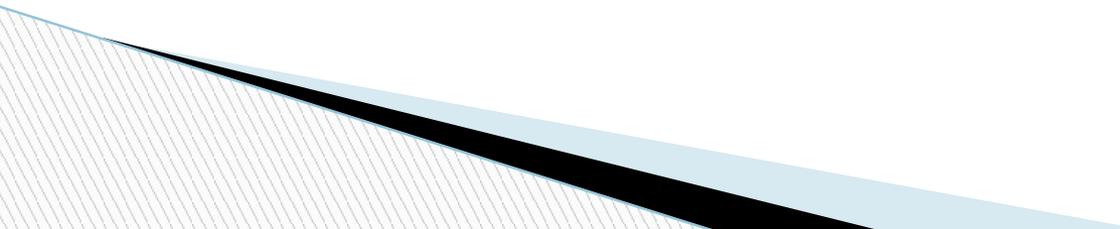
WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

2. Inspections shall be performed within three business days of the time for which it was requested. The work shall not proceed in a manner which will preclude the inspection until it has been made.

Right of Entry

- ***Right of entry and proper identification...***
 - The Construction Official Commentary, The Act 52:27D-132 and UCC 5:23-2.29 all say the owner has consented to your inspection of the entire premises until a C.O. is issued.
 - Have your Municipal identification ready to show.
 - Ask to enter a property if not welcomed to by someone.

Right of Entry

- Find out who you are speaking with on the property and make sure it is someone over 18 years old. If not, don't enter!
 - If you are asked to leave or told it is not OK to enter, then don't stay. Make a note of it on your technical or in the permit file, including who it was you spoke with. Advise the owner or agent to reschedule the inspection.
 - **Don't enter an occupied home unless accompanied by an owner or owner's representative.**
- 



February 2, 2012

Re: Decision in State v. Heine and how it affects municipal inspections

Dear Mayor:

The League wants to inform you of an important decision reached the Appellate Division yesterday in the case of State v. Heine.

In that case, Heine, the property owner, refused to allow the municipal health, construction, and fire officials to inspect her property, which contained several tenants, in response to several complaints. She was then charged and convicted under an ordinance that makes it illegal to deny municipal officials the ability to inspect premises.

Heine appealed, and her conviction was overturned by the Appellate Division. The Court ruled, “criminalization of Heine's refusal to allow the inspections is not in accordance with long established law.” Specifically, this violates the protections against unreasonable searches and seizures guaranteed by the Fourth Amendment to the United States Constitution. The Court found that the attempted search in the Heine case was an administrative search. In an administrative search, the only exceptions to the warrant requirements are (1) consent (2) the subject matter is in an area of long-term, traditional governmental regulation, a so-called closely regulated industry; or (3) an emergency or public health danger is presented. The Court held that none of those exceptions applied and that a warrant was necessary in this case.

The proper procedure in these cases is to attempt to gain access with permission of the owner. If that is unavailing, the municipality may attempt to secure a search warrant. In any case, a town may not punish an individual for denying access to their property when the municipal official does not have a warrant.

We encourage you to discuss this decision with your municipal attorney and to review your ordinances as needed. If you have any questions or require further information, please contact League Staff Attorney Matthew Weng at [609-695-3481 ext 137](tel:609-695-3481) or at mweng@njslom.com.

Very truly yours

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(d) Final inspection: Upon completion of the building or structure, and before the issuance of a certificate of use and occupancy required herein, a final inspection shall be made, and any violations of the code shall be noted and the holder of the permit shall be notified of any discrepancies by the construction official. The final inspection shall include:

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

1. Building and Fire Subcode: Installation of all interior and exterior finish materials, sealing of exterior joints, mechanical system and any other required equipment.
2. Electrical Subcode: Wiring, devices and fixtures.
3. Plumbing Subcode: Piping, trim and fixtures.

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

4. Tests required by any provision of the adopted subcodes.

5. A review for compliance with Barrier Free Accessibility in accordance with IBC Chapter 11 for buildings required to have handicapped accessibility.

6. Verification of compliance with N.J.A.C. 5:23-3.5, Posting structures. (Occupancy Placards)

(NO REQUIRED SEQUENCE ON THE FINALS!)

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(e) Inspections records: The enforcing agency shall make a written record of all inspections, including any discrepancies or violations noted and shall maintain those reports as a public record which shall be available for public inspection during normal business hours.

WHICH INSPECTIONS ARE “REQUIRED” per NJAC 5:23?

(h) Periodic inspections: The building subcode official or fire protection subcode official may periodically inspect all existing buildings and structures, except one and two family dwellings, for compliance with the rules with respect to posting. Such inspection shall specify any violation of the rules with respect to the posting of floor load, occupancy load and use group of the building.

5:23-2.20 Tests and special inspections

(a) All tests required by the provisions of the regulations shall be made and conducted under the supervision of the enforcing agency in accordance with such inspection and test procedures as may be prescribed by the provisions of the regulations, with the expense of all tests and special inspections to be borne by the owner or lessee or by the contractor performing the work.

1. *Except as otherwise provided*, tests conducted by persons authorized to conduct such tests in accordance with this chapter are not required to be witnessed by the local enforcing agency, unless the local enforcing agency determines such witnessing to be necessary.

5:23-2.20 Tests and special inspections

(b) All special inspections, as provided in the building subcode, shall apply to Class 1 buildings and any building that contains a smoke control system. A special inspector shall be independent of the contractor and shall be responsible to the building owner or building owner's agent. Special inspectors shall be certified in the appropriate specialty.

1. Special inspections for soil conditions and pile foundations shall be performed under the direct supervision of a New Jersey licensed engineer.

5:23-2.20 Tests and special inspections

Get the “Statement of Special Inspections” before the Permit is released! This should include the credentials of each of the Special Inspector(s) who will be on site doing those specific inspection(s). See IBC Chapter 17 for detailed requirements.

???

Questions?

5:23-4.5(j) and 4.14(f) CONFLICT OF INTEREST!

“4.5(j) Conflict of interest:

1. No person employed by an enforcing agency as a construction or Subcode official or as an inspector shall knowingly carry out any inspection or enforcement procedure with respect to any property or business in which he or she, or any close relative or household member, or his or her superior within the enforcing agency, or any close relative or household member of such superior, or any other public official or employee having direct or indirect control over the funding or operations of the enforcing agency, or any household member of any such public official or employee, has an economic interest. For purposes of this paragraph, “close relative” shall mean and include a spouse, sibling, ancestor or descendant, or the spouse of any of them.

5:23-4.5(j) and 4.14(f) CONFLICT OF INTEREST!

- i. Where any inspection or enforcement procedure is necessary or required in any such property or business, and there is no other person employed by the enforcing agency who is qualified, pursuant to this chapter, to perform the inspection or enforcement procedure and who is not a subordinate of the person with the direct or indirect economic interest in such property or business, the official or inspector shall arrange for the inspection or enforcement to be carried out either by another local enforcing agency or by the Department.

5:23-4.5(j) and 4.14(f) CONFLICT OF INTEREST!

- ii. A separate log shall be maintained by the enforcing agency of all inspections and all enforcement procedures performed, when permitted in accordance with (j)1i above, with regard to any properties or businesses in which any persons employed by the enforcing agency have a direct or indirect economic interest.”

5:23-4.5(j) and 4.14(f) CONFLICT OF INTEREST!

“4.14(f) Except as otherwise provided in this subsection, no person employed by or associated with an on-site inspection agency as an employee, proprietor, officer, director, partner or manager shall, whether directly or indirectly, be engaged in ownership of, or employment by, or contracting to provide goods or services to, any business or employment furnishing labor, materials, products or services for the construction, alteration or demolition of buildings, or for the maintenance of any equipment or building component the maintenance of which is regulated pursuant to this chapter, that is engaged in any such activity within the State. Nor shall any such proprietor, officer, director, partner, manager or employee engage in any other work that conflicts with his or her or the agency’s official duties, including, without limitation, employment to testify before any construction board of appeals, or to be involved in any court proceeding within the State, as a paid expert witness against any construction official, subcode official, inspector or enforcing agency, or in any other compensated capacity, except on behalf of an enforcing agency, or as a court-appointed witness.”

5:23-4.5(j) and 4.14(f) CONFLICT OF INTEREST!

Proper handling of a “Conflict” :

- You shall not **knowingly** carry out any inspection or enforcement procedure that is a Conflict of Interest as defined in the regulations.
- The clerical staff’s duties are not included.
- When in doubt, send it out!

Identifying the Conflict:

1. Is the applicant a close relative, household member, public official or employee having anything to do with the finances of the Building Department?
2. Is the applicant one of your own staff?
3. Is the applicant or their contractor(s) related to one of your staff?

Identifying the Conflict:

4. Has one of your staff worked for the applicant or listed Contractor, or had business dealings with them?
5. Are you able to conduct your job duties in a fair and impartial manner? (see previous Code of Ethics sections highlighted.)
6. How would it be perceived in the public eye if you were to continue processing and/or enforcement on the application?

Identifying the Conflict:

7. Would you be OK with it being on the front page of your local newspaper?
8. When in doubt, send it out!

5:23-4.5(j) and 4.14(f) CONFLICT OF INTEREST!

Just to reiterate.....

Proper handling of a “Conflict” :

- You shall not **knowingly** carry out any inspection or enforcement procedure that is a Conflict of Interest as defined in the regulations.
- The clerical staff’s duties are not included.
- When in doubt, send it out!

???

Questions?

Once the Conflict has been identified...

- You shall not **knowingly** carry out any inspection or enforcement procedure that is a Conflict of Interest as defined in the regulations!

Once the Conflict has been identified...

- No enforcement procedures shall be done by the Building Department which is the origin of the Conflict. (Technical Assistants' duties are not considered enforcement.)

Once the Conflict has been identified...

- When in doubt, send it out!

Once the Conflict has been identified...

- If you are handling another jurisdiction's Conflict permit, keep a copy for your Department's records, including the inspection results.

Once the Conflict has been identified...

- *Label the Construction Permit Application as a “CONFLICT OF INTEREST” and include the Municipality’s name for which you are covering. Follow the same UCC requirements for review and approval as you would if it was a non-conflict Permit.*

INSPECTION SCHEDULING

- Can be accepted by the Building Department which is the origin of the Conflict, **or**,
- Can be scheduled directly with the Building Department which is handling the Conflict Permit.

INSPECTION SCHEDULING

- Make it clear to the applicant and ensure that they understand. (It's best to put it in writing)
- Ensure that each of the Building Departments understand who will be scheduling the inspections.
- Be consistent and follow the same rules with all your Conflict of Interest Permits!

???

Any questions?

APPROVAL of *CERTIFICATE

1. Are all the rough inspections signed off by the Inspectors?
2. Are all the mid-point inspections signed off by the Inspectors?

APPROVAL of *CERTIFICATE

3. Are all the Final inspections signed off by the Inspectors?
4. Has each Subcode Official signed off on the “Approval for Certificate” box?

*(*THIS SHOULD BE DONE ON EACH TECHNICAL!)*

APPROVAL of *CERTIFICATE

****CERTIFICATES OF APPROVAL
OR OCCUPANCY SHALL NOT BE
ISSUED BY THE BUILDING
DEPARTMENT IN CONFLICT!***

What if???

What if I **knowingly** proceed with a
Conflict of Interest?

Well.....think about this.....

CONSTRUCTION OFFICIAL COMMENTARY...

NJ Tort Claims Act 59:1-2

- **Tort** – *“a wrongful act, injury or damage for which a civil action may be brought.”*
- **Nonfeasance** – *“failure to do what duty requires to be done.”*
- **59:2-6 Failure to inspect, or negligent inspection of property.**
“A public entity is not liable for injury caused by its failure to make an inspection or by reason of making an inadequate or negligent inspection of any property...”

CONSTRUCTION OFFICIAL COMMENTARY...

- **Misfeasance** – *“the doing of a lawful act in an unlawful or improper manner.”*
- **59:3–3 Execution or enforcement of laws.**

“A public employee is not liable if he acts in good faith in the execution or enforcement of any law.”
- **Malfeasance** – *“commission of an act that is positively unlawful; wrongdoing or misconduct, especially by a public official.”*

CONSTRUCTION OFFICIAL COMMENTARY...

- **Willful Misconduct –**

- “The term ‘willful misconduct’ as used in the New Jersey Tort Claims Act provides that a public employee is not exonerated from liability if his conduct constitutes willful misconduct, which is the commission of a forbidden act with actual, not imputed, knowledge that the act is forbidden. It is more than an absence of “good faith” and is much more negligence.”

So what happens if I screw up?

Be honest if you come under investigation! It will lessen the chance for heavy sanctions or punishment!

Most people who try to “cover up” their mistakes will only make it worse for themselves!

So what happens if I screw up?

- ***N.J.A.C. 5:23–5.25***
 - **Revocation of licenses and alternative sanctions.**
- The DCA may revoke or suspend your license and/or assess a civil penalty.
- The DCA in addition or as an alternative, may issue a letter of warning, reprimand, or censure, if they feel it is warranted.

So what happens if I screw up?

Conviction of a crime, or conviction of an offense in connection with your work as a licensed Code guru, or...

a determination that you were engaged in a

Conflict of Interest = revocation of license.

- *Don't get yourself in this situation!*
- *It's your license, your career, and your reputation!*
- *Don't do anything to jeopardize it!*

Final thoughts?



