

WHAT IS ORDINARY MAINTENANCE UNDER THE UNIFORM CONSTRUCTION CODE?

N.J.A.C. 5:23-2.7 Ordinary Maintenance:

(a) Ordinary maintenance to structures may be made without filing a permit application with or giving notice to the construction official.

(b) Ordinary maintenance shall not include any of the following:

1. The cutting away of any wall, partition or portion thereof;
2. The removal or cutting of any structural beam or bearing support;
3. The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements;
4. Any work affecting structural or fire safety;
5. Any work that will increase the nonconformity of any existing building or structure with the requirements of the regulations;
6. Addition to, or alteration, replacement or relocation of:
 - i. Any standpipe;
 - ii. Water supply, sewer, drainage, gas, soil, waste, vent or similar piping;
 - 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) For the purposes of applying this provision, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode; or
 - iv. Mechanical or other work affecting public health or general safety; or
7. Any work undertaken for the purpose of lead abatement.

(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. Ordinary building maintenance shall include:

- i.** Exterior and interior painting;
- ii.** Installation, repair, or replacement of interior finishes of less than 25 percent of the wall area in a one- or two-family dwelling. This shall include plastering and drywall installation;
 - (1)** Vinyl wall covering of any amount is ordinary maintenance;
 - (2)** Paneling shall not be considered ordinary maintenance;
- iii.** Wall papering at any location;
- iv.** The replacement of glass in any window or door. However, the replacement glass shall be of a type and quality that complies with the minimum requirements of the code;
- v.** The replacement of any window or door, including garage doors, in the same opening without altering the dimensions or framing of the original opening. This shall include storm windows and storm doors. The replacement of means of egress and emergency escape windows and doors may be made in the same opening without altering the dimensions or framing of the original opening, and shall not reduce the required height, width, or net clear opening of the previous window or door assembly;
- vi.** The repair or replacement of any non-structural component, such as a partition railing in one- and two-family dwellings;
- vii.** The repair, replacement, or installation of any non-structural elements, such as cabinets;
- viii.** The repair, replacement, or installation of any interior or exterior trim, decoration, or moldings;
- ix.** The repair, replacement, or installation of any flooring material with a new material;
- x.** The repair or replacement of existing roof covering on detached one- and two-family dwellings;
- xi.** The repair or replacement of existing siding on one- and two-family dwellings.

(1) Exception: The repair or replacement of polypropylene siding shall not be ordinary maintenance;

xii. The repair or replacement of existing siding with like material not exceeding 25 percent of the total building exterior wall area in other than one- and two-family dwellings.

(1) Exception: The repair or replacement of polypropylene siding shall not be ordinary maintenance;

xiii. Notwithstanding (b)2 and 4 above, the repair or replacement of any part of a deck, porch, or stoop that does not provide structural support for any roof or portion of a building. Materials used shall be identical to, or closely similar to, the existing materials and in the same location as those replaced;

xiv. The repair, replacement, or installation of screens;

xv. The installation of insulation, except foam plastic insulation, when installed adjacent to or not more than one and a half inches from an interior finish;

xvi. The repair, replacement, or installation of exterior gutters and leaders; and

xvii. The installation of a storable spa or hot tub that is provided with a lockable safety cover that complies with ASTM F1346.

2. Ordinary plumbing maintenance shall include:

i. Replacement of hose bib valves. Replacement hose bib valves shall be provided with an approved atmospheric vacuum breaker;

ii. Refinishing of existing fixtures. Relining of fixtures shall not be considered to be ordinary maintenance;

iii. Replacement of ball cocks. Replacement ball cocks must be an approved anti-siphon type;

iv. Repair of leaks involving the replacement of piping;

v. Clearance of stoppages;

vi. Replacements of faucets or working parts of faucets;

vii. Replacement of valves (including shower or combination bath/shower valves);

viii. Replacements of working parts of valves, including, but not limited to, shower or combination bath/shower valves;

- ix. Replacement of traps;
- x. Replacement of fixtures with a similar fixture provided that no change in the piping arrangement is made; and
- xi. Replacement of domestic clothes washers and domestic dishwashers.

3. Ordinary electrical maintenance shall include:

i. The replacement of any receptacle, switch, or lighting fixture, or part thereof, not containing emergency battery packs with a like or similar item. Receptacles in locations where ground-fault circuit interrupter protection, damp/wet, or tamper-resistant are required shall comply with Section 406.4(D) of the electrical subcode;

ii. Repairs to any installed electrically operated equipment such as doorbells, communication systems, and any motor operated device. Provided, however, that if fire protection systems are interrupted for repairs the fire official shall be notified in accordance with the building subcode;

iii. Installation of communications wiring in a Class 3 structure, provided that the rearrangement 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) For the purposes of applying these provisions, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode, such as telephone, radio antenna, or coaxial cable TV wiring. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode;

iv. Replacement of domestic dishwashers;

v. Replacement of kitchen range hoods in dwelling units, provided that the replacement hood exhaust rate does not exceed the exhaust rate of the existing hood or the exhaust rate of the replacement hood does not exceed 400 cubic feet per minute (cfm);

vi. The installation of a burglar alarm, security system, or doorbell in one- and two-family dwellings; and

vii. The installation of a plug-in landscape irrigation unit under 30 volts at one- or two-family dwellings.

4. Ordinary fire protection maintenance shall include:

- i. The replacement of any sprinkler or smoke alarm, smoke detector, or heat detector head with a like device;
- ii. The repair or replacement of any component of a fire alarm or smoke and heat detection equipment (other than the replacement of a fire alarm control panel);
- iii. The installation of battery-powered smoke alarms; and
- iv. The installation of battery-powered or plug-in type carbon monoxide alarms.

5. Ordinary heating, ventilation, and air conditioning maintenance shall include:

- i. Replacement of motors, pumps and fans of the same capacity;
- ii. Repair and replacement of heating, supply and return piping and radiation elements, which does not require rearrangement of the piping system;
- iii. Repair and replacement of duct work;
- iv. Repair of air conditioning equipment and systems;
- v. Repair or replacement of control devices for heating and air conditioning equipment;
- vi. Replacement of kitchen range hoods in dwelling units, provided that the replacement hood exhaust rate does not exceed the exhaust rate of the existing hood or the exhaust rate of the replacement hood does not exceed 400 cfm;
- vii. Replacement of domestic clothes dryers serving, and located within, dwelling units, provided that no change in fuel type, pipe size, or location or electrical characteristics is required;
- viii. Replacement of domestic stoves and domestic ovens in dwelling units, provided no change in fuel type, pipe size, or location or electrical characteristics is required;
- ix. The replacement of bathroom exhaust fans in dwelling units; and
- x. The application of liquid applied lining material inside an existing chimney.