

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 any interior finishes of less than 25 percent of the wall area in any given room 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 installation and 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 installation and 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 member such as a partition railing or kitchen cabinet;

vii. The repair or replacement of any interior or exterior trim, decoration or moldings;

viii. The replacement or installation of any flooring material with a new material;

ix. The repair of existing roofing material not exceeding 25 percent of the total roof area within any 12 month period;

x. The repair of existing siding with like material not exceeding 25 percent of the total building exterior wall area within any 12 month period;

xi. The repair or replacement of any part of a porch or stoop which does not structurally support a roof above;

xii. The replacement or installation of screens;

xiii. The installation of any roll or batt insulation when installed adjacent to or not more than one and a half inches from an interior finish; and

xiv. Replacement of exterior rain water gutters and leaders.

2. Ordinary plumbing maintenance shall include:

i. Replacement of hose bib valves in single family dwellings. 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 between two adjacent joints only;

v. Clearance of stoppages;

vi. Replacements of faucets or working parts of faucets;

vii. Replacement of valves (including shower or combination bath/shower valves in a single family dwelling);

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

ix. Replacement of traps except for traps on culinary sinks in food handling establishments;

x. Replacement of a water closet, and/or lavatory, and/or bathtub or shower unit and/or kitchen sink in a single family dwelling with an approved similar fixture provided that no change in the piping arrangement is made. Replacement water closets bearing a date stamp of July 1, 1991 or later must use an average of 1.6 gallons or less of water per flushing cycle; and

xi. Replacement of domestic clothes washers and dishwashers.

3. Ordinary electrical maintenance shall include:

i. The replacement of any receptacle, switch, or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item, including receptacles in locations where ground-fault circuit interrupter protection, damp/wet or tamper-resistant are required (Sections 210.8, 406.8 and 406.11, respectively, 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 for 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; and

iv. Replacement of domestic dishwashers; and

v. Replacement of kitchen range hoods in single family dwellings.

4. Ordinary fire protection maintenance shall include:

i. The replacement of any sprinkler or 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 detectors; 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; and
 - v. Repair or replacement of control devices for heating and air conditioning equipment; and
 - vi. Replacement of kitchen range hoods in single family dwellings.
 - vii. Replacement of clothes dryers serving and located within dwelling units, provided that no change in fuel type or location or electrical characteristics is required.
 - viii. Replacement of stoves and ovens in dwelling units, provided no change in fuel type or location or electrical characteristics is required.
6. Ordinary elevator maintenance shall include:
- i. The following work on elevator brakes:
 - (1) Installation of new linings;
 - (2) Replacement of brake switches, brake stand pivot bushings, and bearings or the reaming out and use of oversized pins. Replacement or repair of brake magnets, magnet coils and/or core sleeves;
 - (3) Renewal of phase splitting coils; and
 - (4) Re-babbiting of brake pin holes (gearless), and realigning of brake stands to pulleys.
 - ii. The following controller/selector repairs:
 - (1) Installation of overload relays and potential switches, and installation or replacement of reverse phase relays;
 - (2) Replacement of damaged resistance tubes, grids, broken controller panel sections, main power or brake rectifiers, power and light transformers, and microprocessor printed circuit boards. Replacement or reconditioning of dash pots and retarders;
 - (3) Renewal of switch bases, armatures, hinge pins, coils, contacts and shunt leads; and
 - (4) Adjustment of controller to original design specifications.
 - iii. The following work on motor generators:
 - (1) Installation of four stem brush rigging on exciter, installation or renewal of bearing oil gauges, and renewal of sleeve or ball bearings;
 - (2) Replacement of generator armatures, commutators, commutator brushes, and turning down and undercutting of commutators;
 - (3) Rewinding of generator armatures, stators and field controls;
 - (4) Removal for testing on a work bench, re-insulating, banding and reinstallation of motor generators; and
 - (5) Repair of solid state drives and adjustments of generator compounding.
 - iv. The following work on hoist motors:
 - (1) Installation or renewal of bearing oil gauges, renewal of sleeve or ball bearings, and re-babbiting of sleeve bearings (gearless);
 - (2) Replacement of motor armatures, rotors, motor collector rings, commutators, commutator brushes, and turning down and undercutting of commutators;
 - (3) Rewinding of stators, armatures, and field coils; and
 - (4) Removal for testing on a work bench, re-insulation, banding and reinstallation of hoist motors and realignment of motors to worm shafts.
 - v. The following work on machines:
 - (1) Installation of new demountable drive sheave rims, new drive shafts, new integral drive sheaves, split couplings;
 - (2) Replacement of worms, gears, worm shaft housings, thrust bearings, thrust housings, external ring gears and pinions, machine drums, solid drive sheaves with demountable drive sheaves, and sheave bearing. Replacement or repair of stop motion switches, slack cable switches, replacement of drive sheave linings. Regrooving of drive sheaves;
 - (3) Re-babbiting of main bearings, external gears and bearings, and worm shaft housings;
 - (4) Renewal of sleeve bearings, drum buffers, and drum shafts;
 - (5) Re-securing of loose brake pulleys and realignment of brake pulleys, with motor gear shaft; and
 - (6) Removal of bearing shims.
 - vi. The following work on suspension means, compensating ropes and compensating chains:

(1) Replacement or re-socketing of hoist ropes and replacement of compensating ropes or chains, governor ropes, and hitches; and

(2) Shortening of hoist ropes due to a rope stretch.

vii. The following work on governors:

(1) Re-calibration, sealing, and reconditioning of governors; and

(2) Replacement or reconditioning of governor rope tension sheaves.

viii. The following work on overhead, deflector, car and counterweight sheaves:

(1) Replacement or repair of sheaves, sheave bearings and sheave shafts; and

(2) Re-babbiting of sheave bearings.

ix. The following work on hoistways:

(1) Replacement of traveling cables and other hoistway wiring;

(2) Repair of counterweights, hoistway switches, hydraulic pistons, oil lines in the pit, and repacking of packing glands; and

(3) Repair or replacement of hoistway door equipment, rollers relating cables, gibs, hall buttons, lanterns, position indicator stations, and all existing related equipment, selector tapes, cables, dust covers, toe guards and hoistway fascia, and repair or replacement of all existing pit equipment with like equipment.

x. The following work on rails and guides:

(1) Realignment or replacement of main or counterweight rail sections with like products; and

(2) Repair or replacement of guide shoe liners or car and counterweight guides with like product.

xi. The following work on cabs:

(1) Installation or replacement of main and auxiliary car operating panels, emergency lighting, communication devices, door protective and reopening devices, car position indicators, and in-car lanterns;

(2) Repair or replacement of operating station on top of cars, door operating devices, motors, linkages, hangers, etc., hoistway door drive mechanisms, clutches, etc., side emergency exit latching devices and electrical switches, floor leveling and selector drive devices, terminal slow down and limiting devices, load weighing devices (on top of car and under car isolation), keyless entry and security devices, top of car intrusion devices, closed-circuit TV surveillance devices, lighting fixtures in the car on top of the car and under the car; and

(3) Replacement of ceilings with code approved materials, and of door sills, cab flooring, walls and

panels with materials equivalent to those being replaced in respect to weight and fire resistance.

Amended by R.1993 d.487, effective October 4, 1993.

See: 25 N.J.R. 2159(a), 25 N.J.R. 4592(a).

Amended by R.1993 d.580, effective November 15, 1993.

See: 25 N.J.R. 3692(a), 25 N.J.R. 5145(c).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), 27 N.J.R. 2715(a).

Amended by R.1999 d.424, effective December 6, 1999.

See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

Substituted references to ordinary maintenance for references to ordinary repairs throughout; and in (a), substituted a reference to permit applications for a reference to applications.

Amended by R.2004 d.131, effective April 5, 2004.

See: 35 N.J.R. 5336(a), 36 N.J.R. 1755(a).

Recodified former 5:23-9.3(a) as new (c), and inserted "building" preceding "maintenance" in the introductory paragraph of 1, inserted "or replacement" preceding "of any non-structural member" in vi, substituted "shall" for "will" preceding "be permitted under" in viii and substituted "maintenance" for "repairs" in 3i.

Amended by R.2004 d.467, effective December 20, 2004.

See: 36 N.J.R. 2122(a), 36 N.J.R. 5709(b).

In (b), substituted "Ordinary" for "Such" preceding "maintenance" in the introductory paragraph and rewrote 6iii; in (c), rewrote 3iii.

Amended by R.2007 d.39, effective February 5, 2007 (operative July 1, 2007).

See: 38 N.J.R. 3706(a), 39 N.J.R. 370(a).

In (c)3i, substituted ", including" for ". Replacement of" and deleted "in the electrical subcode, shall not be considered ordinary electrical maintenance" following "required".

Amended by R.2008 d.369, effective December 15, 2008.

See: 40 N.J.R. 4651(a), 40 N.J.R. 6958(a).

In (c)6ii(2), deleted the last sentence; in (c)6vi, substituted "suspension means" for "hoist ropes"; in (c)6vii(1), deleted ", or replacement of governors with like equipment" following "governors"; and in (c)6xi(3), substituted "sills" for "saddles".

Amended by R.2011 d.270, effective November 7, 2011.

See: 43 N.J.R. 1297(a), 43 N.J.R. 2999(a).

In (c)3i, substituted ", damp/wet or tamper-resistant are required (Sections 210.8, 406.8 and 406.11, respectively, of the electrical subcode)" for "is required".

Amended by R.2012 d.181, effective November 5, 2012.

See: 44 N.J.R. 1757(a), 44 N.J.R. 2556(a).

In (c)1viii, deleted ", except carpeting," preceding "with", and deleted ". However, installation of carpeting in one and two family dwellings shall be permitted under ordinary maintenance" from the end.

Case Notes

Municipal order under zoning ordinance to remove sleeping trailers and disconnect utilities used by a refinery repair crew proper exercise of police power; action not preempted by Occupational Safety and Health Act. *Twp. of Greenwich v. Mobil Oil Corp.*, 504 F.Supp. 1275 (D.N.J.1981).