

16. "Optional elevator inspection program" which may be cited throughout the rules as N.J.A.C. 5:23-12A and, when referred to in subchapter 12A of this chapter, may be cited as "this subchapter."

Amended by R.1978 d.350, eff. October 1, 1978.

See: 10 N.J.R. 378(a), 10 N.J.R. 469(f).

Amended by R.1987 d.509, effective December 7, 1987.

See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

(b) substantially amended.

Amended by R.1990 d.226, effective May 7, 1990.

See: 21 N.J.R. 3696(a), 22 N.J.R. 1356(a).

Added 9 and 10 to (b).

Amended by R.1990 d.313, effective June 18, 1990.

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text added at (b)5.

Amended by R.1990 d.562, effective November 19, 1990.

See: 22 N.J.R. 2629(c), 22 N.J.R. 3482(d).

Added reference to N.J.A.C. 7:14B.

Amended by R.1991 d.325, effective July 1, 1991.

See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Text on elevators added at (b).

Amended by R.1992 d.183, effective April 20, 1992.

See: 24 N.J.R. 167(a), 24 N.J.R. 1475(b).

Reference to Indoor Air Quality Subcode added at (b)12.

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

Deleted (b)14.

Amended by R.1998 d.28, effective January 5, 1998.

See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

In (b)9, substituted "Rehabilitation Subcode" for "Tax Exemptions".

Amended by R.1998 d.480, effective September 21, 1998.

See: 30 N.J.R. 1119(b), 30 N.J.R. 3461(a).

In (b), added 16.

Amended by R.1999 d.351, effective October 18, 1999.

See: 31 N.J.R. 1838(a), 31 N.J.R. 3082(a).

Rewrote (b)14.

Case Notes

Councilperson violated local ethics law; project manager for private construction company. *Bleeker v. Local Finance Board*, 94 N.J.A.R.2d (CAF) 122.

New Jersey State Library

5:23-1.2 Authority

These regulations are promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of the "State Uniform Construction Code Act" (P.L. 1975, c.217, as amended).

5:23-1.3 Intent and purpose

(a) It is the intent and purpose of the regulations:

1. To encourage innovation and economy in construction and to provide requirements for construction and construction materials consistent with nationally recognized standards.
2. To formulate such requirements, to the extent practicable, in terms of performance objectives, so as to make adequate performance for the use intended as the test of acceptability.
3. To permit to the fullest extent feasible the use of modern technical methods, devices and improvements, including premanufactured systems, consistent with reasonable requirements for the health, safety and welfare of occupants or users of buildings and structures.
4. To eliminate restrictive, obsolete, conflicting and unnecessary construction regulations that tend to unnecessarily increase construction costs or retard the use of new materials, products or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.
5. To insure adequate maintenance of buildings and structures throughout the State and to adequately protect the health, safety and welfare of the people.
6. To eliminate unnecessary duplication of effort and fees in the review of construction plans and the inspection of construction.

Case Notes

Intent is elimination of construction regulations by local government units. *Home Builders League of South Jersey, Inc. v. Evesham Twp.*, 174 N.J.Super. 252, 416 A.2d 81 (Law Div.1980).

Uniform Construction Code codified in regulations. *Bureau of Construction Code Enforcement v. Hasbrouck Heights*, 4 N.J.A.R. 282 (1983).

5:23-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Alteration" means the rearrangement of any space by the construction of walls or partitions, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional equipment or fixtures and any work which affects a primary structural component.

"Building" means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing shelter, enclosure and support of individuals, animals or property of any kind. When used herein, building and structure shall be interchangeable except where the context clearly indicates otherwise.

"Building subcode official" means a qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce the provisions of the building subcode within the jurisdiction of the enforcing agency.

"Business day" means any day of the year, exclusive of Saturdays, Sundays, and legal holidays.

"Certificate of approval" means a certificate issued pursuant to N.J.A.C. 5:23-2 upon completion of work that requires a construction permit but not a certificate of occupancy.

"Certificate of compliance" means the certificate provided for in N.J.A.C. 5:23-2 and 12, indicating that potentially hazardous equipment is being maintained in accordance with the Act and this chapter.

"Certificate of continued occupancy" means the certificate provided for in N.J.A.C. 5:23-2, indicating that as a result of a general inspection of the visible parts of the building, no violations of N.J.A.C. 5:23-2.14 have been determined to have occurred and no unsafe conditions violative of N.J.A.C. 5:23-2.32 have been found, and that the existing use of the building has heretofore lawfully existed.

"Certificate of occupancy" means the certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations.

"Change of use" means a change from one use to another use in a building or tenancy or portion thereof.

"Class I structure" means a structure not listed in N.J.A.C. 5:23-4.3A(d)1i through v or 2ii through xx.

"Class II structure" means a structure listed in N.J.A.C. 5:23-4.3A(d)2ii through xx.

"Class III structure" means a structure listed in N.J.A.C. 5:23-4.3A(d)1i through v.

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Construction Board of Appeals" means the board provided for in N.J.A.C. 5:23A.

"Construction documents" means and includes all of the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a permit. The construction documents shall be drawn to an appropriate scale. When used herein or in the adopted subcodes, the terms "construction documents" and "plans" and/or "specifications" shall be interchangeable, except where the context clearly indicate otherwise.

"Construction official" means a qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce and administer the regulations within the jurisdiction of the enforcing agency.

"Construction permit" means an authorization to begin work subject to the conditions established in subchapter 2 of this chapter.

"Department" means the Department of Community Affairs.

"Effective date" means, in the case of a new rule, amendment or repeal, the date of promulgation in the New Jersey Register. The effective date of a readoption is the date of filing with the Office of Administrative Law.

"Electrical subcode official" means a qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce and provisions of the electrical subcode within the jurisdiction of the enforcing agency.

"Elevator" or "elevator device" means a hoisting and lowering device equipped with a car or platform which moves in guides for the transportation of individuals or freight in a substantially vertical direction through successive floors or levels of a building or structure; or a power driven, inclined, continuous stairway used for raising or lowering passengers; or a type of passenger carrying device on which passengers stand or walk, and in which the passenger carrying surface remains parallel to its direction of motion and is uninterrupted. This includes, but it is not limited to, elevators, escalators, moving walks, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts and any device within the scope of ASME A17.1 (Safety Code for Elevators and Escalators) or ASME A90.1 (Safety Standards for Belt Manlifts).

"Elevator subcode official" means a qualified person appointed by the municipal appointing authority or the Commissioner, pursuant to the Act and this chapter, to enforce the provisions of any subcode specifically designated for such enforcement in N.J.A.C. 5:23-3, within the jurisdiction of the enforcing agency.

"Enforcing agency" means the municipal or State administrative entity charged with the administration and enforcement of the regulations consisting of the construction official, subcode officials and assistants thereto appointed in accordance with N.J.S.A. 52:27D-126 of the act and the regulations.

"Equipment" means plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire prevention equipment, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations, which are related to building services and shall not include manufacturing, production or process equipment, but which shall include connections from building service to process equipment.

"Facility" for the purpose of applying for an annual permit means exclusive of a hotel/casino, a building or group of buildings under common ownership or control and whose maintenance work is performed under the direct supervision of a maintenance supervisor.

"Fire protection subcode official" means a qualified person appointed by the appropriate appointing authority or the commissioner pursuant to the act and the regulations to enforce those portions of any subcode, specifically designated for such enforcement in N.J.A.C. 5:23-3, within the jurisdiction of the enforcing agency.

"Health care facility" means the facility or institution, whether public or private, engaged principally in providing services for health maintenance organizations, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including but not limited to a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, home for the sheltered care of adult persons, and bioanalytical laboratory or central services facility serving one or more such institutions, but excluding institutions that provide healing solely by prayer.

1. This definition shall not be deemed to include nurses, doctors, or other staff housing not attached in accordance with minimum fire separation standards in the building subcode; administrative offices not attached in accordance with minimum fire separation standards in the building subcode; parking garages, or other such facilities for which the Federal government does not impose standards as a condition of funding.

"Hearing examiner" means a person appointed by the commissioner to conduct hearings, summarize evidence and make findings of fact.

"Lead abatement" means a process designed either to mitigate or to eliminate permanently lead-based paint hazards on a premises and includes, but is not limited to: the removal of lead-based paint and lead-contaminated dust; the containment or encapsulation of lead-based paint; the replacement of lead-painted surfaces or fixtures; the removal or covering of lead-contaminated soil; and all preparation, cleanup, disposal and post-abatement clearance testing activities associated with such measures. "Lead abatement" shall not include painting, woodworking, structural renovation or other indoor or outdoor contracting services that may result in the disturbance of paint, unless it is evident from the statements and/or actions of a person or persons authorizing or performing such services that an objective of the work is the mitigation or permanent elimination of a lead-based paint hazard.

"Lead evaluation" means a surface-by-surface investigation to determine the presence and condition of lead-based paint and the provision of a report explaining the results of the investigation, including, but not limited to, hazards and recommendations for abatement.

"Maintenance" means the replacement or mending of existing work with equivalent materials or the provision of additional work or material for the purpose of the safety, healthfulness and upkeep of the structure and the adherence to such other standards of upkeep as are required in the interest of public safety, health and welfare.

"Major work" means any construction work for which any prior approvals are required, any construction of a new structure not previously occupied and any construction work other than ordinary repairs otherwise not qualifying as "minor work" or a "small job".

"Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall also include any structure which meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer has voluntarily filed a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under 42 U.S.C. Section 5401 et seq.

"Minor work" means construction work undertaken in existing structures, requiring no prior approvals and no plan review, not altering in any way the structural members of a building and meeting the definition set forth in N.J.A.C. 5:23-2.17A.

"Municipality" means any city, borough, town, township or village.

"Municipal Procedures Manual" means the book established by the Commissioner, effective January 1, 1984, and any subsequent revisions, detailing the steps to be followed in completing, processing and filing the standards forms, logs and reports required for administration and enforcement of the State Uniform Construction Code.

"Operative date" means the date upon which the Department and local enforcing agencies shall enforce, and all parties shall comply with, an effective rule. Unless otherwise provided in the notice of adoption published in the New Jersey Register, the effective date is the operative date.

"Ordinary repair" means restoration or improvement of a routine or usual nature which is done by replacing a part of, or putting together, something that is worn or broken in a building, electrical, plumbing, heating, ventilation or air conditioning system and meeting the definition set forth in N.J.A.C. 5:23-2.7.

"Owner" means the owner or owners in fee of the property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation, directly or indirectly in control of a building, structure or real property and shall include any subdivision thereof of the State.

"Plumbing subcode official" means a qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce the provisions of the plumbing subcode within the jurisdiction of the enforcing agency.

"Premanufactured system" or "premanufactured construction" means an assembly of materials or products that is intended to comprise all or part of a building or structure and that is assembled off-site by a repetitive process under circumstances intended to insure uniformity of quality and material content. The term shall include, but not be limited to, manufactured homes and industrialized/modular buildings.

"Primary function space" means a room or space housing a major activity for which the building or tenancy is intended, including, but not limited to, office area, auditorium, assembly space, dining room, bar or lounge, warehouse, factory, dwelling, care, confinement, retail, and educational spaces, but not including kitchens, bathrooms, storage rooms or other spaces supporting a primary function space. A building or tenancy may contain more than one primary function space.

"Prior approvals" means the necessary certifications or approvals issued or authorized by any Federal or State agency, or any political subdivision of the State, which are not inconsistent with this chapter and which are conditions

precedent to the issuance of a construction permit or a certificate of occupancy or approval, as the case may be. Prior approvals shall include, but not be limited to, the following:

1. Zoning;
2. Soil erosion and sediment control;
3. Highway curb cuts;
4. Water and sewer treatment works approvals;
5. Coastal areas facilities review;
6. Compliance of underground storage tank systems with N.J.A.C. 7:14B;
 - i. An approval granted by the Department of Environmental Protection or the construction official by authority of N.J.A.C. 7:14B shall be deemed to be a prior approval;
7. Educational adequacy review of public school facilities under N.J.A.C. 6:22;
8. Pinelands review; and
9. Compliance of abandoned wells with N.J.A.C. 7:9-9.
 - i. Compliance with N.J.A.C. 7:9-9.1 shall be evidenced by a certification issued by a well driller licensed by the Department of Environmental Protection.

“Private inplant inspection agency”, or “evaluation and inspection agency”, means a business entity authorized pursuant to N.J.A.C. 5:23-4 or 4A to approve premanufactured construction.

“Private on-site inspection and plan review agencies” means a business entity authorized pursuant to N.J.A.C. 5:23-4 to act in lieu of a subcode official.

“Public school facility” means any building or part thereof used by a local, regional or consolidated board of education as a primary or secondary school.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied. Reconstruction may include repair, renovation, alteration or any combination thereof. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure.

“Renovation” means the removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation shall include the replacement of equipment or fixtures.

“Repair” means the restoration to a good or sound condition of materials, systems and/or components that are worn, deteriorated or broken using materials or components identical to or closely similar to the existing.

“Small job” means construction work requiring no prior approvals and the total cost of which is under \$5,000. A “small job” may involve more than one trade and may require plan review.

“State sponsored code change proposal” means any proposed amendment or code change adopted by the commissioner in accordance with subsection c. of section 6 of the act as amended for the purpose of presenting such proposed amendment or code change at any of the periodic code change hearings held by the National Model Code adoption agencies, the codes of which have been adopted as subcodes under the Act. For purposes of this definition a State sponsored code change proposal may also oppose any code change under consideration by a model code agency.

“Stop construction order” means the order provided for in N.J.S.A. 52:27D-132 of the act and N.J.A.C. 5:23-2.

“Structure” means a combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above, or below the surface of a parcel of land; provided, the word “structure” shall be construed when used herein as though followed by the words “or part or parts thereof and all equipment therein” unless the context clearly requires a different meaning.

“Subcode” means any of the national model codes, parts thereof or other codes or standards as adopted by reference in N.J.A.C. 5:23-3 or as set forth in N.J.A.C. 5:23-7, 8, 10 and 12.

“Tenancy” means an entire building, or that portion of a building or story, which is or is intended to be under the control of a single owner or tenant.

“Use” means that portion of a building or tenancy which is devoted to a single use group or special use or occupancy, as defined in the building subcode, or as established by the provisions of any other subcode for the purpose of specifying special requirements applicable to that portion of a building or tenancy.

“Work area” means any entire use, primary function space or tenancy comprising all or part of a reconstruction project as delineated on the approved permit application and/or plans.

As amended, R.1977 d.256, effective August 1, 1977.

See: 9 N.J.R. 164(a), 9 N.J.R. 358(a).

As amended, R.1978 d.162, effective June 1, 1978.

See: 10 N.J.R. 141(a), 10 N.J.R. 225(a).

As amended, R.1981 d.133, effective May 7, 1981.

See: 13 N.J.R. 119(a), 13 N.J.R. 258(c).

"Certificate of continued occupancy" and "prior approvals" recodified.

As amended, R.1982 d.7, effective February 1, 1982.

See: 13 N.J.R. 717(a), 14 N.J.R. 142(a).

"Manufactured home" was "mobile home", and definition substantially amended. Added "or premanufactured construction" to "premanufactured system", and added "The terms . . . homes".

As amended, R.1983 d.611, eff. January 3, 1984.

See: 15 N.J.R. 1789(a), 16 N.J.R. 45(b).

Added definitions of "major work", "minor work", "municipal procedures manual", "ordinary repair" and "small job".

As amended, R.1984 d.120, effective April 16, 1984.

See: 16 N.J.R. 179(a), 16 N.J.R. 873(a).

"Certificate of occupancy" added "N.J.A.C. 5:23-1.4 have . . . been found" to definitions.

Amended by R.1985 d.351, effective July 15, 1985.

See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

Definition for "Facility" added.

Amended by R.1990 d.57, effective February 5, 1990.

See: 21 N.J.R. 3345(b), 22 N.J.R. 350(b).

Reference to compliance with N.J. Underground Storage of Hazardous Substances Act, and deletion of language excluding "public school buildings" from definitions of "building" and "structure".

Amended by R.1990 d.313, effective June 18, 1990.

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Industrialized/modular buildings added to definition of premanufactured system.

Amended by R.1991 d.325, effective July 1, 1991.

See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Definitions of certificate of approval, elevator and elevator subcode official added.

Amended by R.1992 d.244, effective June 15, 1992.

See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).

Definitions added for Class I, II and III structures.

Amended by R.1993 d.420, effective September 7, 1993.

See: 25 N.J.R. 2158(a), 25 N.J.R. 4072(a).

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

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

Administrative Correction.

See: 26 N.J.R. 2779(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.1995 d.544, effective October 16, 1995.

See: 27 N.J.R. 2827(a), 27 N.J.R. 3933(a).

Amended by R.1996 d.190, effective April 15, 1996.

See: 28 N.J.R. 320(a), 28 N.J.R. 1981(a).

Added "construction documents".

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Amended by R.1996 d.323, effective July 15, 1996 (operative January 1, 1997).

See: 28 N.J.R. 2112(a), 28 N.J.R. 3549(a).

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

Amended "Prior approvals" and "Subcode".

Amended by R.1997 d.417, effective October 6, 1997.

See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).

Amended "Prior approvals" and "Public school facility".

Amended by R.1998 d.28, effective January 5, 1998.

See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

In list of definitions, added "Alteration", "Change of use", "Primary function space", "Reconstruction", "Rehabilitation", "Renovation", "Repair", "Tenancy", "Use", "Work area".

Case Notes

Citation to definitions of construction permit and certificate of occupancy. *Home Builders League of South Jersey, Inc. v. Evesham Twp.*, 174 N.J.Super. 252, 416 A.2d 81 (Law Div.1980).

Citation to mobile home definition in former regulation (similar to present manufactured home definition); mobile homes acceptable form of moderate cost housing. *Southern Burlington County N.A.A.C.P. v. Twp. of Mt. Laurel*, 161 N.J.Super. 317, 391 A.2d 935 (Law Div.1978) affirmed in part, reversed in part 92 N.J. 158, 456 A.2d 390, on remand 207 N.J.Super 169, 504 A.2d 66.

Applicant for construction permit must provide assurances that necessary prior approvals obtained. *Riggins v. Pinelands Commission*, 8 N.J.A.R. 441 (1985).

5:23-1.5 Effective date

(a) The provisions of the regulations shall take effect on January 1, 1977. All construction regulations incorporated in any act of the State of New Jersey, or of any municipality presently in effect, or validly promulgated or enacted by any board, department, commission or agency thereof, shall continue in effect until January 1, 1977, and shall thereafter be superseded and of no further force and effect. Any law or regulation addressing areas for which the commissioner shall not have promulgated a subcode may continue in effect until such time as a subcode therefor is adopted.

(b) Exceptions include:

1. This section shall not apply to those aspects of the act which were capable of taking effect on the effective date of the act.

2. This section shall not apply to those parts of N.J.A.C. 5:23-4 which require the adoption of a resolution or other action prior to the effective date. Such section shall take effect upon adoption.

3. This section shall not apply to laws or regulations specifically saved by the act or the regulations.

5:23-1.6 Grace period

(a) For a period of six months following the operative date of a subcode revision, applicants may submit a complete permit application, including all prior approvals, to be reviewed under the code in force immediately preceding the subcode revision. Provided that the application is complete, the construction official and applicable subcode officials shall perform the plan review and issue construction permit(s) based on the code in force immediately prior to the operative date of the subcode revision. This grace period shall apply only to revisions of subcodes.

(b) In the case of a project under review for which a permit has not been issued on the operative date of any subcode revision, review shall continue and permits shall be issued based on the code in force immediately prior to the operative date of the subcode revision.

As amended, R. 1978 d.350, eff. October 1, 1978.

See: 10 N.J.R. 378(a), 10 N.J.R. 469(f).

As amended, R.1984 d.267, eff. June 14, 1984 to expire August 13, 1984.

See: 16 N.J.R. 1812(a).

New (c) added.

Readoption: R.1984 d.382, eff. August 13, 1984, to expire April 1, 1988.

See: 16 N.J.R. 1812(a), 16 N.J.R. 2356(d).

Administrative Correction to (b): Changed "receive" to "received".

See: 22 N.J.R. 2503(b).

Amended by R.1993 d.353, effective July 19, 1993.

See: 25 N.J.R. 1629(a), 25 N.J.R. 3147(a).

Amended by R.1995 d.544, effective October 16, 1995.

See: 27 N.J.R. 2827(a), 27 N.J.R. 3933(a).

Amended by R.1997 d.303, effective July 21, 1997.

See: 29 N.J.R. 1437(b), 29 N.J.R. 3247(a).

Amended section name; rewrote (a); and substantially amended (b).

5:23-1.7 Validity

(a) If any provision of the regulations or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect other provisions or applications of the regulations which can be given effect, and to this end the provisions of the regulations are severable.

(b) Nothing contained in the act or the regulations shall be deemed to affect, repeal, or invalidate local zoning ordinances or the regulation or licensing of any trade or profession engaged in construction work.

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

5:23-2.1 Title; scope; intent

(a) This part of the regulations, adopted pursuant to authority of the State Uniform Construction Code Act, and entitled "Administration and enforcement; process", shall be known and may be cited throughout the regulations as N.J.A.C. 5:23-2, and when referred to in subchapter 2 of this chapter, may be cited as this subchapter.

(b) Unless otherwise specifically provided, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this subchapter.

(c) Except as is otherwise specified, these regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location and occupancy of all buildings and structures and their service equipment as herein defined, and shall apply to existing or proposed buildings and structures in the State of New Jersey.

(d) The regulations shall be construed to secure its expressed intent, which is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety; and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

5:23-2.2 Matter covered

(a) The provisions of the regulations shall apply to all buildings and structures and their appurtenant construction, including vaults, area and street projections, and accessory additions; and shall apply with equal force to municipal, county, State and private buildings, except where such buildings are otherwise specifically provided for by the regulations.

(b) A building or structure shall not be constructed, extended, repaired, removed, renovated, altered or reconstructed in violation of these provisions, except that no permit shall be required for ordinary repairs as provided herein, and except further that the raising, lowering or moving of a building or structure on the same lot, as a unit, necessitated by a change in legal grade or widening of a street, shall be permitted, provided the building or structure is not otherwise altered or its use or occupancy changed.

1. Any new work, such as foundations or utility connections shall, however, be in accordance with the regulations.

(c) Any requirement essential for structural, fire or sanitary safety of a building or structure, or essential for the safety of the occupants thereof, and which is not specifically covered by the regulations, shall be determined by the construction official, and appropriate subcode official.

(d) The continuation of occupancy or use of a building or structure, or of a part thereof, contrary to the provisions of the regulations, shall be deemed a violation and subject to the remedies prescribed in this subchapter.

(e) Where provisions herein specify requirements for structural, fire and sanitary safety, no provision of any municipal zoning or other municipal code shall conflict, govern or have effect. Where the provisions herein specify requirements with respect to location, use, permissible area and height, and the municipal zoning code establishes requirements as well, then the more restrictive requirements of this code or the zoning code shall govern.

Amended by 1981 d.134, effective May 7, 1981.

See: 13 N.J.R. 119(a), 13 N.J.R. 258(b).

(e): "other municipal" was "general".

Administrative Correction to (b): Changed "construed" to "constructed".

See: 22 N.J.R. 2503(b).

Amended by R.1998 d.28, effective January 5, 1998.

See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Rewrote (b), new exception that no permit required for ordinary repairs.

Case Notes

Portable fire extinguishers could not be required to be placed in hotel and motel efficiency units with cooking facilities. *Venuti v. Cape May County Const. Bd. of Appeals*, 231 N.J.Super. 546, 555 A.2d 1175 (A.D.1989).

Construction code official authorized to determine particular fire code prevention requirements of building where building use deviates in any significant respect from building uses "specifically covered" by fire prevention subcode; hearing held by construction board of appeals was procedurally deficient. In the Matter of the "Analysis of Walsh Trucking Occupancy and Sprinkler System," 215 N.J.Super. 22, 2, 521 A.2d 883 (App.Div.1987).

5:23-2.3 Applicability

These regulations shall apply to all construction undertaken after the effective date of the regulations or any subsequent amendment thereof.

Amended by R.1998 d.28, effective January 5, 1998.
See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Case Notes

Forum for seeking double damages under Planned Real Estate Development Full Disclosure Act (PREDFDA) was Superior Court. Department of Community Affairs, Div. of Housing and Urban Development v. Atrium Palace Syndicate, 259 N.J.Super. 578, 614 A.2d 1069 (A.D.1992).

Site lighting installations at locations without construction permits were in violation of uniform construction code act. Public Service Electric and gas company v. Department of Community Affairs, 94 N.J.A.R.2d (CAF) 13.

5:23-2.4 Alterations, replacements and damages

(a) Existing structures, when repaired, renovated, altered or reconstructed, shall conform to the requirements of N.J.A.C. 5:23-6, Rehabilitation Subcode.

(b) If an existing structure is damaged by fire or any other cause, the requirements of N.J.A.C. 5:23-6, Rehabilitation Subcode, shall apply to the restoration of such building or structure.

(c) Any work which is mandated by any housing, property or fire safety maintenance code, standard or regulation or other State or local law requiring improvements to buildings or structures shall be made to conform only to the requirements of that code, standard, law or regulation and shall not be required to conform to the subcodes adopted pursuant to this chapter unless the code requiring the alterations so provides.

1. Retrofit requirements adopted by any other laws shall not be deemed to exceed the retrofit requirements established here.

Amended by R.1985 d.16, effective February 4, 1985.
See: 16 N.J.R. 3073(b), 17 N.J.R. 275(a).

(a)7 added.

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

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.1998 d.28, effective January 5, 1998.

See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Rewrote (a) stating existing structures shall conform to 5:23-6, "Rehabilitation Subcode"; deleted (a)1 through (a)6; rewrote (b), (c) and inserted (c)1; deleted (a)7i through (b)1.

5:23-2.5 Concerning increase in size

If the structure is increased in floor area or height, then the increased portion of the structure shall conform to the requirements of this chapter applicable to new construction, while any related work within the existing structure shall conform with the requirements of N.J.A.C. 5:23-6, Rehabilitation Subcode.

Amended by R.1988 d.389, effective August 15, 1988.

See: 20 N.J.R. 1026(a), 20 N.J.R. 2073(a).

Amended by R.1993 d.61, effective February 1, 1993.

See: 24 N.J.R. 1421(a), 25 N.J.R. 463(c).

Hardwired smoke detectors added.

Amended by R.1994 d.433, effective September 6, 1994 (operative January 1, 1995).

See: 26 N.J.R. 1910(a), 26 N.J.R. 3706(a).

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

In (a)2, amended NFIPA reference.

Amended by R.1998 d.28, effective January 5, 1998.

See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Rewrote (a) to conform with "Rehabilitation Subcode"; deleted (a)1 through (c)

Case Notes

Municipal order under zoning ordinance to remove sleeping trailers and disconnect utilities used by 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).

Permits required to ensure use of proper materials and construction methods; permit requirements not inconsistent with pollution control laws; sewerage authority obliged to obtain local permits and approval before beginning pumping station construction. Shupack v. Manasquan River Regional Sewerage Authority, 194 N.J.Super. 199, 476 A.2d 816 (App.Div.1984).

5:23-2.6 Change of use

(a) Continuation of existing use: The legal use of any structure existing on the effective date of the regulations may be continued without change, except as may be specifically provided in these regulations or in any property or fire safety maintenance code, or minimum housing standard or regulation, adopted pursuant to law.

1. A certificate of continued occupancy shall be granted upon request, subject to this subchapter.

(b) Change of use: It shall be unlawful to change the use of any structure or portion thereof without the prior application for and issuance of a certificate of occupancy as herein provided.

1. A certificate of occupancy shall be issued provided such structure shall comply with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode.

Amended by R.1985 d.16, effective February 4, 1985.

See: 16 N.J.R. 3073(b), 17 N.J.R. 275(a).

(a) Added text: "or fire safety" and "or minimum housing standard or regulation".

Amended by R.1993 d.662, effective December 20, 1993.

See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
Amended by R.1995 d.611, effective December 4, 1995 (operative April 4, 1996).

See: 27 N.J.R. 3257(a), 27 N.J.R. 4884(a).
Amended by R.1998 d.28, effective January 5, 1998.

See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

New heading "Change of use"; rewrote (b); added "Rehabilitation Subcode" in (b)1; deleted (b)1i through (c).

Case Notes

Civil rights action challenging township actions regarding use of property as church were not ripe for adjudication until township planning board decided site plan application and any need for variance. *Trinity Resources, Inc. v. Township of Delanco*, D.N.J.1994, 842 F.Supp. 782.

5:23-2.7 Ordinary repairs

(a) Ordinary repairs to structures may be made without application or notice to the construction official.

(b) Such repairs 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, other than wiring for a low voltage communication system in a one- or two-family dwelling; or
 - iv. Mechanical or other work affecting public health or general safety; or
7. Any work undertaken for the purpose of lead abatement.

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).

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).

5:23-2.8 Installation of equipment

When the installation, extension or alteration of mechanical equipment, refrigeration, air conditioning or ventilating apparatus, plumbing, gas piping, electric wiring, heating system or any other equipment is specifically controlled by the provisions of this chapter, it shall be unlawful to use such equipment until a certificate of occupancy or certificate of approval, as the case may be, has been issued therefor by the construction official having jurisdiction. Use of elevator devices shall be subject to N.J.A.C. 5:23-12.9.

Amended by R.1991 d.509, effective October 7, 1991.

See: 23 N.J.R. 2236(a), 23 N.J.R. 3001(a).

Stylistic changes.

Amended by R.1996 d.323, effective July 15, 1996, (operative January 1, 1997).

See: 28 N.J.R. 2112(a), 28 N.J.R. 3549(a).

5:23-2.9 Variations and exceptions

(a) No variations or exceptions from the requirements of any subcode of these regulations may be made, except upon the following findings:

1. That strict compliance with any specific subcode provision, if required, would result in practical difficulty to such owner; and
2. That the exception, if granted, will not jeopardize the health, safety and welfare of intended occupants and the public generally.

(b) Except as may be otherwise specified in this chapter, no variations shall be granted from any of the requirements of N.J.A.C. 5:23-2, 4 or 5.

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Added (b).

5:23-2.10 Applications for variations

(a) An application for a variation pursuant to this section shall be filed in writing with the construction official and shall state specifically:

1. A statement of the requirements of the subcode from which a variation is sought;
2. A statement of the manner by which strict compliance with said provisions would result in practical difficulties;
3. A statement of the nature and extent of such practical difficulties; and

4. A statement of feasible alternatives to the requirements of the subcode which would adequately protect the health, safety and welfare of the occupants or intended occupants and the public generally.

Administrative Correction to (a): Changed "set" to "state".
See: 22 N.J.R. 2503(b).

5:23-2.11 Review of variation applications

Within 20 business days next succeeding the receipt by the construction official of the application, it shall be denied or granted by written order stating the reasons therefor. The application shall be deemed denied for purposes of appeal if no decision is forthcoming within such 20-day period. Records of all applications for variation, and actions taken thereon shall be available for public inspection at the enforcing agency during normal business hours.

5:23-2.12 Final decision on variations

The appropriate subcode official(s) shall make the final determination with respect to matters within their jurisdiction. The construction official shall notify the applicant of that determination. Whenever an application for a variation shall result in contradictory or inconsistent determinations by different subcode officials having jurisdiction pursuant to N.J.A.C. 5:23-3, the construction official shall rule as to which subcode official's determination shall be final, and shall notify the applicant of that ruling. Whenever the construction official shall be certified in a particular subcode, he may modify the determination of the subcode official.

5:23-2.13 Authority to grant variations

The enforcing agency with plan review responsibility shall have the sole authority to grant variations.

5:23-2.14 Construction permits—when required

(a) It shall be unlawful to construct, enlarge, repair, renovate, alter, reconstruct or demolish a structure, or change the use of a building or structure, or portion thereof, or to install or alter any equipment for which provision is made or the installation of which is regulated by this chapter, or to undertake a project involving lead abatement in accordance with N.J.A.C. 5:17, without first filing an application with the construction official, or the appropriate subcode official where the construction involves only one subcode, in writing and obtaining the required permit therefor.

1. Exception: No permit shall be required for ordinary repairs, as defined in N.J.A.C. 5:23-1.4 and 2.7.

(b) The following are exceptions from (a) above:

1. Ordinary repairs as defined by N.J.A.C. 5:23-2.7 shall not require a permit or notice to the enforcing agency;

2. Minor work as defined by N.J.A.C. 5:23-2.17A shall require a permit. However, work may proceed, upon notice to the enforcing agency, before the permit is issued;

3. Emergency work not involving lead abatement, except that a permit shall be applied for or notice given as soon thereafter as is practicable, but not later than 72 hours thereafter.

4. Permit requirements for tents and membraned structures shall be as set forth in N.J.A.C. 5:23-3.14(b)22ii. A temporary greenhouse meeting the criteria set forth in N.J.A.C. 5:23-3.14(b)22ii(4) shall not require a permit except as otherwise provided in N.J.A.C. 5:23-3.14(b)22ii(5).

5. Gas utility company shall not be required to obtain a permit or give notice to the enforcing agency for replacement of interior gas utility company-owned metering (meter and related appurtenances) by exterior gas utility company owned-metering if the work is performed by qualified employees of the gas utility company.

6. A permit shall not be required for a sign that meets all of the following conditions; provided, however, that the construction official shall have authority to require the removal of any sign that creates an unsafe condition or otherwise to require correction of any such condition:

- i. It is supported by uprights or braces in or upon the ground surface;
- ii. It is not served by an electrical circuit directly connected to the sign;
- iii. It is not greater than 25 square feet in surface area (one side); and
- iv. It is not more than six feet above the ground (mounted height).

7. Lead abatement work performed on a steel structure or other superstructure or in a commercial building.

(c) An annual construction permit may be issued by the construction official to educational, industrial, institutional, mercantile, business and government facilities based upon submission of the following in duplicate:

1. Identification of the facility and the buildings covered by the application for the annual permit.
2. Identification of the location within the facility where the annual permit records will be maintained.
3. A listing of the names, titles and trade specialties of the facility's full-time maintenance staff.
4. The name of the person responsible for the maintenance logs, job assignments and quality control.
5. A statement from the management of the facility attesting that the maintenance staff performing work under the annual permit are under the direct supervision of a qualified individual, as set forth under N.J.A.C. 5:23-2.14(e)1, or are individually qualified in their respective trades.
 - i. Evidence of qualification shall be journeyman status, civil service status, trade experience, trade school certification, college degree, State licensure pursuant to law or other appropriate evidence of competence.

ii. No person employed on the maintenance staff of a facility shall be deemed to be qualified to engage in lead abatement unless he or she has been certified by the New Jersey Department of Health pursuant to section 3 of P.L. 1993, c.288 (N.J.S.A. 26:20-3) (see N.J.A.C. 8:62).

6. A statement from the management explaining their procedures for providing training at Department seminars on construction codes on a regular basis for at least one, but not more than three, individuals per subcode.

7. A statement from the management explaining the procedures of the applicant to ensure proper quality control of the work performed under the annual permit.

8. Receipt of the required annual permit fee and training registration fee.

(d) The Construction Official, upon review of the application may issue or deny an annual construction permit in whole or in part. The construction permit (Form F-170C) shall state that the permit is an annual permit and indicate the technical subcodes in which the facility is approved to do work under the annual permit. A copy of the annual permit shall be forwarded by the Construction Official to the Department of Community Affairs Training Section along with the appropriate training registration fee.

(e) Conditions of the annual permit are as follows:

1. The "annual permit" may be issued for building/fire protection, electrical, mechanical or plumbing work or any combination of those classifications of work, providing that the individual responsible for work done under the annual permit possesses knowledge as evidenced in accordance with N.J.A.C. 5:23-2.14(c)5, in the technical work classification for which the annual permit is sought.

i. An approved copy of the annual permit application shall be kept at a facility's maintenance office within the municipality having jurisdiction for review by the Construction Official and appropriate subcode official. The Construction Official shall be notified of the location of the facilities maintenance office.

2. The life of the annual construction permit shall be limited to one year;

3. The facility shall maintain a construction log of all work performed. The construction log shall contain the date, a brief description and estimated or actual cost of the project. This log shall be subject to a quarterly inspection by the construction official or his authorized representative. Any business record showing when and where work was done and the extent of such work shall be deemed to be a construction log. Applications for the renewal of the "annual permit" shall be filed with the Construction Official at least 60 days prior to the expiration of the current annual permit. The facility application shall make current the information previously submitted to the Construction Official. The application for renewal shall be accompanied by the established fee.

4. The annual permit covers all work subject to this chapter done by the facility's full-time maintenance staff, but shall not include work performed by outside contract even if the contractor is hired by the facility and is working under direct supervision of the facility's maintenance staff. Work performed by outside contract shall be subject to applicable UCC regulations and State Licensure Law.

5. A permanent work log, approved by the construction official, of all work done under the "annual permit" must be maintained at a facilities maintenance office on site or must be available at the time of the inspection upon 24 hours notice of such inspection. The log must contain the date, a brief description of the work, photographs for any work which was not inspected prior to closing as set forth in (e)8 below, and the name of the person supervising the work. The log shall be retained for three years.

6. Architectural or engineering drawings, as required by law for work done under the annual permit, shall be prepared by a registered architect or licensed engineer as defined by the statutory requirements of the professional registration laws of this State and shall be kept permanently on file and be made available to the Construction Official and appropriate subcode official, for review upon request.

7. The appropriate subcode official, at least two (2) times a year, shall perform inspections of the facility for which an annual permit has been issued. The maximum time between inspections shall be a six month period.

8. Work that is normally inspected prior to closing shall be ordered to be reopened by the facility upon written notice from the Construction Official or appropriate subcode official if he has reason to believe that a violation is present. A photograph shall be taken of any work intended to be enclosed without inspection.

9. Any work that is done under the supervision of the facilities maintenance staff and under a regular construction permit shall be entered into the annual permit log. The construction permit number shall be listed as a part of the entry.

10. Training for annual permits shall be provided at the seminars for code officials.

i. The facility shall provide a list of at least one, but not more than three, individuals per subcode who are required to complete five hours of continuing education per year.

ii. The Department shall maintain the training records for each annual permit. The annual permit shall not be renewed unless the facility completes the training for each issued subcode.

iii. The Department shall notify the construction official who issued the permit if the training has not been completed.

11. Any changes to the annual construction permit application shall be forwarded to the Construction Official within 30 days of the change.

12. The following work is not permitted under an annual permit:

- i. Any work done on a facility that would result in a change of use of a building or part of a building;
- ii. New buildings and additions regardless of size;
- iii. Renovation, alteration or reconstruction work completed between inspection periods in an area in excess of 5,000 square feet per building;
- iv. Any work done on a facility that would result in an increase to the area of a building;
- v. The installation or alteration of a sprinkler system;
- vi. Any work that affects the required means of egress;
- vii. Any modification work, other than routine maintenance, that affects life safety systems, such as, but not limited to:
 - (1) Emergency lighting systems;
 - (2) Smoke and heat detection systems;
 - (3) Stand-by generator systems;
 - (4) Emergency smoke evacuation systems.
- viii. Any work which would disturb asbestos and require a permit to perform.

(f) Construction requirements for commercial farm buildings shall be as set forth in N.J.A.C. 5:23-3.2(d).

As amended, R.1981 d.462, eff. December 7, 1981.

See: 13 N.J.R. 390(a), 13 N.J.R. 885(d).

(c)1i: added "under the control and supervision of a person"; (c)1iii: added "any business construction log."

Amended by R.1985 d.351 effective July 15, 1985.

See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

Section substantially amended.

Amended by R.1986 d.213, effective June 16, 1986.

See: 17 N.J.R. 2490(a), 18 N.J.R. 1266(a).

Subsection (e) substantially amended.

Administrative Correction: "facility's" changed from "facilities" throughout.

See: 22 N.J.R. 2503(b).

Amended by R.1990 d.558, effective November 19, 1990.

See: 22 N.J.R. 1969(b), 22 N.J.R. 3483(a).

Conditional exemption for hoophouses or polyhouses added.

Amended by R.1991 d.60, effective February 19, 1991.

See: 22 N.J.R. 3609(a), 23 N.J.R. 405(b).

Gas utilities exempt from permit and notice requirements.

Amended by R.1991 d.325, effective July 1, 1991.

See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Mechanical work added to (e)1.

Amended by R.1992 d.230, effective June 1, 1992.

See: 24 N.J.R. 168(a), 24 N.J.R. 2052(a).

Form numbers changed in (d).

Amended by R.1993 d.662, effective December 20, 1993.

See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).

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.1995 d.475, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1716(a), 27 N.J.R. 3325(a).

Rewrote (c)6 and (e)10.

Amended by R.1996 d.297, effective July 1, 1996 (operative October 1, 1996).

See: 28 N.J.R. 1586(b), 28 N.J.R. 3301(a).

In (b) added exception for signs.

Amended by R.1997 d.302, effective July 21, 1997 (operative September 24, 1997).

See: 29 N.J.R. 2202(a), 29 N.J.R. 3242(b).

Added (b)7.

Amended by R.1998 d.28, effective January 5, 1998.

See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Rewrote (a); added (a)1 stating exception; amended (e)4 and (e)12iii. Administrative change.

See: 31 N.J.R. 135(b).

5:23-2.15 Construction permits—application

(a) The application for a permit shall be submitted on the standard Construction Permit Application form prescribed by the Commissioner at N.J.A.C. 5:23-4.5(b)2 and shall be accompanied by the required fee, as provided for in this subchapter and N.J.A.C. 5:23-4. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the construction official, which shall include, but not be limited to, the following:

1. The name and address of the owner: Where the owner is not a resident of the State, he shall designate a resident as agent for the purpose of service of any notices or orders which may be necessary. Such address shall not be limited to a post office box, but shall specify a physical location where such owner or agent may be found during normal business hours. Where the owner is a corporation, partnership or other business entity, the application shall indicate the names and addresses of the officers, or other responsible persons upon whom service may be made;

2. The street address and lot and block number of the property upon which the building or structure is proposed to be erected;

3. A description of the proposed work, including the use group classification, proposed construction type, lot ground coverage in square feet, total floor area in square feet, total building or structure volume in cubic feet, the total number of plumbing fixtures, the total number of electrical fixtures, outlets and major appliances, a description of the type of heating system, the source of water supply, the mode of sanitary waste disposal and a listing of any special, unusual or hazardous facilities proposed for inclusion in the building or structure;

4. The estimated cost of the work for which a permit is sought, including but not limited to building construction, on-site construction, and all integral equipment, built-in furnishings and finishes. Where any material or labor proposed for installation in the building or structure is furnished or provided at no cost, its normal or usual cost shall be included in the estimated cost;

5. A statement that all required State, county and local prior approvals have been given, including such certification as the construction official may require;

6. For Class I structures, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode;

7. If the work involves lead abatement, the applicant shall provide the following:

i. A copy of the scope of work which shall describe precisely the location and extent of the work;

ii. A sketch plan showing the locations where abatement work is to be performed and showing emergency egress routes for any occupants to be in the building during abatement;

iii. A record of all materials to be used for all phases of the job, including encapsulants, enclosures, containment materials and replacement components, as appropriate;

iv. A copy of the lead evaluation report, if any has been done, prepared by a business firm certified by the Department pursuant to N.J.A.C. 5:17 to do lead evaluation; and

v. The degree to which any lead hazard identified in any report prepared by a lead evaluation firm certified by the Department will be abated; and

8. If the work involves reconstruction, an identification of the work area, except where plans are filed with the application, in which case the work area shall be delineated on the plans.

(b) In addition, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1. The names and addresses of all contractors engaged or planned for engagement by the owner in the execution of the work.

i. A current validated State builder registration card shall be shown by the contractor and the registration number of the contractor shall be recorded on the permit, pursuant to the New Home Warranty and Builder's Registration Act (N.J.S.A. 46:3B-1 et seq.), if the project is a one or two family dwelling, condominium or cooperative, unless it is to be built in whole or in part by an owner, in which case an affidavit shall be filed by the owner on a form prescribed by the Department of Community Affairs, in which he acknowledges that work done by him, or by a subcontractor working under his supervision, is not covered under the New Home Warranty and Builders' Registration Act and states that he will disclose this information to any person purchasing the property from him within 10 years of the date of issuance of a certificate of occupancy.

2. The name and license number of the contractor or subcontractor for plumbing and for electrical work where such work is proposed.

i. Plumbing and electrical work shall not be undertaken except by persons licensed to perform such work pursuant to law, except in the case of a single family homeowner on his own dwelling.

ii. The seal and signature of the licensed plumbing and electrical contractor shall be affixed to the corresponding subcode application form.

3. The name and address of the responsible person who will be in charge of the work and who is responsible to the owner for ensuring that all work is installed and completed in conformity with the regulations. The person may be the design architect or engineer, the contractor or a third party acceptable to the construction official.

4. If the work involves lead abatement, one of the following shall be supplied:

i. The name and Department certification number issued pursuant to N.J.A.C. 5:17 of any business firm undertaking the lead abatement; or

ii. If the work is to be done by employees of the owner of the property, the name and New Jersey Department of Health certification number issued pursuant to N.J.A.C. 8:62 of each such employee; or

iii. If the work is to be done on an owner-occupied single family dwelling, a certification by the owner stating that he or she owns and occupies the property as a principal place of residence, will be performing the abatement work, and has received the written information for homeowners prepared by the Department explaining the danger of improper lead abatement, procedures for conducting safe lead abatement, and the availability of certified lead abatement contractors or of any available training for homeowners.

5. In the event of any change of contractor or person in charge of work under (b)1, 2, 3 and 4 above, such change shall be filed as an amendment to the application.

(c) A separate application and permit shall be required for each building.

(d) Application for a permit shall be made by the owner, or his agent, a licensed engineer, architect or plumbing, electrical or other contractor employed in connection with the proposed work. If the application is by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the authorized person making the application, that the proposed work is authorized by the owner in fee, and that the applicant is authorized to make such application. All issued permits shall remain the property of the owner even if the application was made by a contractor or authorized agent.

(b) No certificate of occupancy shall be issued for any new home, built by a builder, as such terms are defined in N.J.A.C. 5:25-1.3, except after filing by the builder with the construction official of proof that the new home has been enrolled in either the State New Home Warranty Security Plan or a private plan approved by the Department of Community Affairs. If the new home is enrolled in the State New Home Warranty Security Plan, proof shall be in the form of a validated copy of the Certificate of Participation, required pursuant to N.J.A.C. 5:25-5.5, and proof of payment of the warranty premium.

(c) No certificate of occupancy shall be issued for any new home built by an owner or in which any design, construction, plumbing or electrical work has been done by the owner unless the owner shall file with the construction official an affidavit in which he certifies that all work has been done in conformity with applicable law, acknowledges that work done by him or by any subcontractor working under his supervision, is not covered under the New Home Warranty and Builders' Registration Act (N.J.S.A. 46:3B-1 et seq.) and states that he will disclose this to any person purchasing the property from him within 10 years of the date of issuance of a certificate of occupancy. The affidavit shall be filed on a form prescribed by the Department of Community Affairs.

(d) No certificate of occupancy shall be issued for any building used or intended to be used as a rooming house or a boarding house, as such terms are defined in section 3 of the Rooming and Boarding House Act of 1979 (P.L. 1979, c.496; N.J.S.A. 55:13B-1 et seq.), except after filing by the owner with the construction official of a photocopy of a license to own a rooming or boarding house issued to the owner by the Department of Community Affairs.

(e) No certificate of occupancy shall be issued for a hotel or multiple dwelling, as defined in the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.), except after filing by the owner with the construction official of a photocopy of a certificate of registration issued by the Bureau of Housing Inspection of the Department of Community Affairs.

(f) No certificate of occupancy shall be issued for any building containing one or more elevators unless all of the elevators in the building have been registered with the Department in accordance with N.J.A.C. 5:23-12.

(g) No certificate of occupancy shall be required in the case of minor work as provided for by N.J.A.C. 5:23-2.17A.

Amended by R.1991 d.509, effective October 7, 1991.
See: 23 N.J.R. 2236(a), 23 N.J.R. 3001(a).

Text added at (f).

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).
See: 27 N.J.R. 1846(a), 27 N.J.R. 3325(b).
Rewrote (f).

Case Notes

Citation to former N.J.A.C. 5:23-2.7; municipal requirement for payment of property taxes before permit issuance invalid as preempted by legislation. *Home Builders League of South Jersey, Inc. v. Evesham Twp.*, 174 N.J.Super. 252, 416 A.2d 81 (Law Div.1980).

5:23-2.25 Establishment of fees

The municipality in accordance with this chapter shall by ordinance establish enforcing agency fees for the following activities: plan review; construction permit; certificate of occupancy; elevator device inspections and tests; demolition permit; moving of buildings permit; lead abatement clearance certificate; and sign permit. The fee shall be collected prior to the issuance of the permit or certificate. A schedule of such fees shall be posted in the office of the construction official and shall be accessible to the public.

Amended by R.1991 d.325, effective July 1, 1991.

See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Elevator activities added.

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

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

Administrative correction.

See: 29 N.J.R. 2267(a).

Administrative correction.

See: 29 N.J.R. 3721(a).

Deleted reference to certificate of compliance and certificate of approval.

Case Notes

Citation to former N.J.A.C. 5:23-4.8 fee standards; municipal requirement for payment of property taxes before permit issuance invalid as preempted by legislation. *Home Builders League of South Jersey, Inc. v. Evesham Twp.*, 174 N.J.Super. 252, 416 A.2d 81 (Law Div.1980).

5:23-2.26 Plan review fees

Twenty percent of the construction permit fee shall be deemed to be the plan review fee. When a department plan review fee has been collected pursuant to the regulations or when a plan review is waived, then the enforcing agency construction permit fee shall be reduced by 20 per cent from the amount otherwise specified in the municipal enforcing agency fee schedule.

5:23-2.27 Refunds

In the case of discontinuance of a building project, the volume of the work actually completed shall be computed. Any excess for the uncompleted work shall be returned to the permit holder; except that all penalties that may have been imposed on the permit holder under the requirements of the regulations shall first be collected. Plan review fees are not refundable.

5:23-2.28 Volume computation

(a) General: For the determination of the permit fees, the volume of the structure shall be computed as provided in this section.

(b) Structures with basements: The volume of the structure shall include all enclosed dormers, porches, penthouses

and other enclosed portions of the structure extending from the basement or cellar floor to the mean height of a pitched roof, or the average height of the top of the roof beams of a flat roof.

(c) Structures without basements: For structures without basements or cellars, the volume shall be based on the height measured to a level located one-fifth the distance from the first floor level to the bottom of the footings, but not to exceed $2\frac{1}{2}$ feet below the first floor level.

(d) Open sheds: For open sheds and structures of a similar character, the volume shall be measured within the perimeter of the roof for a height from the grade line to the mean roof level.

(e) No fee shall be required for premanufactured construction, assembly or components transported to a construction site. A fee shall be required for work performed at the site, including, but not limited to, foundation systems, structural installations and external utility connections.

(f) No fee shall be required for commercial farm buildings, or portions of, constructed of pre-engineered systems specified in N.J.A.C. 5:23-3.2(d)3. A fee shall be required, unless exempted, for commercial farm building work performed at the site.

As amended, R.1982 d.7, eff. February 1, 1982.

See: 13 N.J.R. 717(a), 14 N.J.R. 142(a).

(e) added.

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).

5:23-2.29 Entry

(a) The owner of any premises upon which a building or structure is to be constructed shall be deemed to have consented to inspection, by the enforcing agency, of the entire premises and of any and all construction being performed on it until a certificate of occupancy has been issued.

(b) An inspector, or team of inspectors, on presentation of proper credentials, shall have the right to enter and inspect such premises, and any and all construction thereon, for purposes of insuring compliance with the provisions of the applicable construction permit, and the regulations. All inspection pursuant to the act and the regulations shall be between the hours of 9:00 A.M. and 5:00 P.M. on business days, or when construction is actually being undertaken; provided, however, that inspections may be conducted at other times if the enforcing agency has reasonable cause to believe that an immediate danger to life, limb or property exists, or if permission is given by an owner, or his agent, architect, engineer or builder. No person shall accompany an inspector or team of inspectors on any inspection pursuant to the regulations, unless his presence is necessary for the enforcement of the regulations, or unless consent is given by an owner or his agent, architect, engineer or builder.

(c) Any construction official, subcode official or any inspector, presenting themselves for inspection of any occupied building shall present to the owner the owner's agent or occupant their personal identification as provided by the municipality.

(d) After the certificate of occupancy shall have been granted, the construction official shall not enter upon such premises for purpose of inspection, unless upon reasonable grounds to believe that a condition of the certificate of occupancy has been violated, or in the case of equipment granted approvals of limited duration pursuant to this subchapter, or in the case of emergencies, or unsafe buildings, or upon reasonable cause to believe construction work is underway without a permit having been issued.

(e) Nothing herein is intended to limit the right of a municipality to adopt property maintenance regulations and provide for inspection, pursuant to any other law, ordinance or judicial decision of this State. However, no such regulation shall conflict with any provision of the regulations.

Administrative Correction to (b): Changed "than" to "that".
See: 22 N.J.R. 2503(b).

5:23-2.30 Violation, notice and orders

(a) Whenever the construction official or the appropriate subcode official shall determine that there exists a violation of the provisions of the regulations, or of a detailed statement or plan approved thereunder, or where there exists a violation of a permit or certificate issued under the regulations, the construction official shall issue a notice of violation and orders to terminate directing the discontinuance of the illegal action or condition and the correction of the violation.

(b) The notice and orders shall contain at least the following information:

1. The name and address of the owner; the address at which the violation occurred; the name and address of the person to whom the order is directed, and if it be other than the owner, a copy shall be delivered to the owner or his agent stating that the owner bears joint responsibility for bringing about compliance with the person named and that if a penalty is imposed, the enforcing agency will not issue a certificate of occupancy until such penalty has been paid; the permit number, a citation to the sections of the regulations violated; an order to terminate violations within a time specified in the order; the amount of penalty assessed, if any, and if cumulative, an explanation of the method of computation; and shall be signed by the appropriate subcode official and the construction official.

2. Unless an immediate hazard to health and safety is posed, the construction official shall permit such time period for correction as is reasonable within the context of the situation.

(c) Extensions: The construction official may grant extensions of time whenever he shall determine that despite diligent effort, compliance cannot be accomplished within the time specified in the notice. If, however, such extension shall be for a period in excess of three business days, or if more than one extension of less than three business days is sought, the construction official shall require a written application of extension stating the need, upon which he shall rule in writing, and which shall be made a part of the permanent file of the project.

Case Notes

Penalty assessed against property owners for violations of housing code; failure to request an extension of time for reinspection. *Piercy v. Department of Community Affairs*, 94 N.J.A.R.2d (CAF) 27.

5:23-2.31 Compliance

(a) If the notice of violation and orders to terminate have not been complied with, the construction official in addition to any other available remedies likely to bring about compliance, may request the legal counsel of the municipality, or of the joint enforcement agency, or the Attorney General in the case of the State, to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of the regulations or of the order or direction made pursuant thereto.

(b) Penalties;

1. Any person or corporation, including an officer, director or employee of a corporation, shall be subject to a penalty of not more than \$500.00 if that person:

- i. Violates any of the provisions of the act or the regulations;

ii. Constructs a structure or building in violation of a condition of a building permit;

iii. Fails to comply with any order issued by an enforcing agency or the department;

iv. Makes a false or misleading written statement, or omits any required information or statement in any application or request for approval to an enforcing agency or the department.

2. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to the act or the regulations, or who unreasonably interferes with such an inspection, shall be subject to a fine of not more than \$250.00.

3. With respect to (b)1iii above, a person shall be guilty of a separate offense for each day that he fails to comply with a stop construction order validly issued by an enforcing agency or the department and for each week that he fails to comply with any other order validly issued by an enforcing agency or the department. With respect to (b)1i and iv above, a person shall be guilty of a separate offense for each violation of any provision of the act or the regulations and for each false or misleading written statement or omission of required information or statement made in any application or request for approval to an enforcing agency or the department. With respect to (b)1ii above, a person shall be guilty of a separate offense for each violation of conditions of a construction permit.

4. No such penalty shall be assessed except upon notice of violation and orders to terminate and upon the expiration of the time period delineated in the notice; except that in the case of a false or misleading statement pursuant to (b)1iv above, the failure to obtain a construction permit or request required inspections, or allowance of occupancy prior to receipt of a certificate of occupancy, an order to pay a penalty shall be issued immediately upon the discovery of the violation.

5. The construction official may separately serve a notice of penalty assessment and order to pay a penalty, whenever he shall not have done so in the original notice and orders.

6. The penalties pursuant to this section may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.). Jurisdiction to enforce such penalties is conferred upon judges of the municipal court in addition to the courts specified by N.J.S.A. 2A:58-2. Suit may be brought by a municipality or the State of New Jersey. Payment of a money judgment pursuant hereto shall be remitted in the case of a suit brought by a municipality to the municipal treasurer and in the case of a suit brought by the State of New Jersey to the State Treasurer.

(c) The construction official may assess a monetary penalty whenever such shall be likely to assist in bringing about compliance.

(d) Stop construction order: If the construction of a structure or building is being undertaken contrary to the provisions of the regulations, or other applicable laws or ordinances, the enforcing agency may issue a stop construction order in writing which shall state the reasons for such order and the conditions upon which construction may be resumed and which shall be given to the owner or the holder of the construction permit or to the person performing the construction. If the person doing the construction is not known, or cannot be located with reasonable effort, the notice may be delivered to the person in charge of, or apparently in charge of, the construction. No person shall continue, or cause to allow to be continued, the construction of a building or structure in violation of a stop construction order, except with the permission of the enforcing agency to abate a dangerous condition or remove a violation, or except by court order. If an order to stop construction is not obeyed, the enforcing agency may apply to the appropriate court as otherwise established by law for an order enjoining the violation of the stop construction order. The remedy for violation of such an order provided in this subsection shall be in addition to, and not in limitation of, any other remedies provided by the regulations, law or ordinance.

Case Notes

Civil rights action challenging township actions regarding use of property as church were not ripe for adjudication until township planning board decided site plan application and any need for variance. *Trinity Resources, Inc. v. Township of Delanco*, D.N.J.1994, 842 F.Supp. 782.

5:23-2.32 Unsafe structures

(a) All buildings or structures that shall become unsafe, or unsanitary, or that contain deficient or blocked exitway facilities, or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or that by reason of illegal or improper use or occupancy shall be deemed unsafe buildings or structures, shall be taken down and removed or made safe and secure. A vacant building that is unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this chapter.

1. Examination and record of damaged structure: The appropriate subcode official shall examine every building or structure reported as dangerous, unsafe structurally, unsanitary or constituting a fire hazard and shall prepare a report to be filed in a docket of unsafe structures and premises, stating the use of the structure, the nature of the hazard, the nature and estimated amount of damages, if any, caused by collapse or failure.

2. Notice of unsafe structure: If an unsafe or unsanitary condition is found in a building or structure, the construction official shall serve a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be vacated or demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the construction official his or her acceptance or rejection of the terms of the order. Such person may seek review before the Construction Board of Appeals within 15 days of receipt of the notice.

3. Restoration of unsafe structure: A building or structure condemned by the construction official may be restored to safe condition provided change of use or occupancy is not contemplated or compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is in excess of 50 percent of its physical value, as defined and computed in accordance with this subchapter, exclusive of foundations, such structure shall be made to comply in all respects with the requirements for new construction. A certificate of occupancy shall be obtained prior to reoccupancy of the building or structure.

4. Posting notice of unsafe structure: If the person addressed with a notice of unsafe structure cannot be found within the municipality after diligent search, then such notice shall be sent by registered or certified mail to the last known address of such person, as on file with the office of the tax collector, and a copy of the notice of unsafe structure shall be posted in a conspicuous place on the premises; and such procedures shall be deemed the equivalent of personal notice.

5. Upon refusal or neglect of the person served with a notice of unsafe structure to comply with the requirements of the order to abate the unsafe condition, the construction official shall, in addition to any other remedies herein provided, forward the matter to the legal counsel of the jurisdiction for an action to compel compliance.

(b) Emergency measures:

1. When, in the opinion of the construction official and appropriate subcode officials, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the construction official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows: This structure is unsafe and its use or occupancy has been prohibited by the construction official, and it shall be unlawful for any person to enter such building or struc-

ture except for the purpose of making the required repairs or of demolishing the same.

2. Temporary safeguards: When, in the opinion of the construction official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, he shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been instituted.

3. Closing streets: When necessary for the public safety, the construction official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structure, and prohibit the same from being used.

4. Emergency repairs: For the purposes of this section, the construction official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

5. Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the construction official; and the legal authority of the jurisdiction shall institute appropriate action against the owner of the premises for the recovery of such costs.

Amended by R.1991 d.509, effective October 7, 1991.

See: 23 N.J.R. 2236(a), 23 N.J.R. 3001(a).

C.O. required prior to reoccupancy.

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Law Review and Journal Commentaries

Tort Claims Act—Landlords. P.R. Chenoweth, 138 N.J.L.J. No. 2, 77 (1994).

Case Notes

Civil rights action challenging township actions regarding use of property as church were not ripe for adjudication until township planning board decided site plan application and any need for variance. *Trinity Resources, Inc. v. Township of Delanco*, D.N.J.1994, 842 F.Supp. 782.

Mobile park owner that leased space to mobile home owners could not require residents to convert from oil heat to gas heat as condition of approving prospective purchases. *Garden Park Mobile Home Owners Ass'n v. Garden Park Associates*, 292 N.J.Super. 442, 678 A.2d 1191 (L.1996).

City, as landowner, did not have immunity from claim it negligently maintained buildings in dangerous condition, resulting in spread of fire to surrounding buildings. *Saldana v. DiMedio*, 275 N.J.Super. 488, 646 A.2d 522 (A.D.1994).

If activities of building inspector and public works director required discretionary decisions and were subject to qualified immunity, standard of liability would be whether decisions were palpably unreasonable or whether they merely failed to follow mandates of higher-up decisions. *Saldana v. DiMedio*, 275 N.J.Super. 488, 646 A.2d 522 (A.D.1994).

"Dangerous condition" for tort liability was satisfied with respect to surrounding buildings damaged by fire which spread from buildings on city-owned lots. *Saldana v. DiMedio*, 275 N.J.Super. 488, 646 A.2d 522 (A.D.1994).

Loss of housing which occurred when premises was evacuated for safety of tenants upon broken water main was a natural disaster that precluded payment of relocation benefits. *Union Gardens' v. Township of Montclair*, 95 N.J.A.R.2d (CAF) 85.

5:23-2.33 Service of notice

Except as is specifically provided for by the act with respect to stop construction orders, service of notices and orders pursuant to this section shall be upon the owner or the person specified as agent for receipt of same in the application for a permit or the person responsible for the work or in the case of unsafe structures upon any agent or person in control of the building. Service may be made by personal delivery or by leaving a copy at the dwelling house or usual place of abode of such person, with a competent member of his household of the age of 14 years or older than residing therein, or by any other method or upon any other person approved pursuant to Rules 4:4-4 and 4:4-5 of the New Jersey Supreme Court, or which is otherwise consistent with due process.

5:23-2.34 (Reserved)

Repealed by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Section was "Construction board of appeals".

5:23-2.35 (Reserved)

Repealed by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Section was "Applicant's right of appeal; procedure".

5:23-2.36 (Reserved)

Repealed by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Section was "Procedure of the board".

5:23-2.37 (Reserved)

Repealed by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Section was "Decision of the board".

5:23-2.38 Departmental appeal

(a) Whenever the Department shall act as the enforcing agency under the State Uniform Construction Code Act (N.J.S.A. 52:27D-128), an appeal in lieu of the appeal to the county, municipal or joint construction board of appeals may be made to the Hearing Coordinator, Division of Codes and Standards, Department of Community Affairs, PO Box 802, Trenton, NJ 08625.

1. The case shall be adjudicated before the Office of Administrative Law and the final decision shall be issued by the Commissioner.

2. Such hearings shall be governed by the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the time provisions applicable to construction boards of appeal.

(b) Any party in interest aggrieved by any decision made by a facility manager or owner or administering agency with respect to compliance with either the Barrier Free Recreation Standards (N.J.A.C. 5:23-7.15 through 7.31) or the Playground Safety Subcode (N.J.A.C. 5:23-11) shall have the right to appeal the decision to the Department.

1. The Department shall forward a copy of the complaint to the facility manager and to the facility owner or agency responsible for administration of the facility and shall request a response from the facility manager.

2. The facility manager shall respond in writing within 45 days of receipt of the request.

3. The Department shall review the response and shall determine whether the complaint is justified and what corrective measures shall be required to be taken by the facility owner or administering agency. The Department shall make such determination and issue any necessary orders within 60 days.

4. In the event that the owner or administering agency of a facility appeals any such order and the Department determines that a contested case exists, it shall forward such case for adjudication in an administrative hearing before the Office of Administrative Law and the final decision shall be issued by the Commissioner. Hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Uniform Administrative Procedure Rules (N.J.A.C. 1:1).

5. A "party in interest" may be either the owner, or authorized representative of the owner, of the premises that is the subject of the decision or an occupant, user or prospective occupant or user, of the premises, or a group representative of such occupants, users or prospective occupants or users; provided, however, that an occupant, user or representative group shall only be deemed to be a party in interest if notice of such interest has been given to the Department by the party prior to the issuance of the Department's determination.

Amended by R.1982 d.436, effective December 20, 1982.

See: 14 N.J.R. 734(a), 14 N.J.R. 1449(a).

Added appeals to be made to the Division of Housing, cases to be heard by the OAL with final decision by the Commissioner. Also added APA cite.

Amended by R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Added (b).

Amended by R.1991 d.428, effective August 19, 1991.

See: 23 N.J.R. 1730(a), 23 N.J.R. 2500(d).

In (b), added codification 1 through 5. In (b)3, added "what corrective measures shall be required by owner or agency".

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

In (a), inserted N.J.S.A. reference, amended Division name, and designated second and third sentences as (a)1 and 2; in (a)2, amended N.J.S.A. references and substituted "construction boards of appeal" for "county or municipal boards".

Amended by R.1997 d.417, effective October 6, 1997.

See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).

In (a), amended where to appeal.

Amended by R.1999 d.351, effective October 18, 1999.

See: 31 N.J.R. 1838(a), 31 N.J.R. 3082(a).

In (b), inserted a reference to owners and administering agencies, and changed N.J.A.C. reference in the introductory paragraph.

5:23-2.39 Automatic fire suppression systems

(a) Applications for tax exemption pursuant to P.L. 1983, c.309 shall be made on a form prepared by the Department of Treasury, Division of Taxation, and made available to the public at the office of the enforcing agency.

(b) Construction official's responsibilities:

1. The construction official shall have responsibility for determining the eligibility of any proposed automatic fire suppression systems.

2. The construction official shall consult with the appropriate subcode officials in determining conformity with the building and fire protection subcodes and their referenced standards, as well as, where applicable, the most recently published editions of NFPA 13D, NFPA 20, NFPA 22 and NFPA 24. A system shall only be eligible for tax exemption if it conforms to such of these standards as are applicable to that type of automatic fire suppression system and appurtenant installations.

i. A system shall not be deemed ineligible because it is in a new building or because it only provides coverage to part of a building.

3. The construction official shall, in addition, review the cost estimates provided by the applicant.

4. The construction official may require documentation in the form of signed contracts, contractor estimates and the like if he deems it necessary.

5. The construction official shall grant or deny certification of the system prior to issuance of the construction permit and shall notify the applicant of his decision at that time.

6. The construction official shall forward a copy of the approved application for exemption to the municipal assessor for his action upon issuance of the certificate of occupancy or certification of completion.

(c) The enforcing agency, after giving written notice to the owner, may revoke such certification whenever any of the following appears:

1. The exemption was obtained by fraud or misrepresentation;

2. The claimant for tax exemption has failed substantially to proceed with the construction, reconstruction,

installation or acquisition of an automatic fire suppression system;

3. The mechanical system to which the certificate relates has ceased to be used for the primary purpose of providing automatic fire suppression and is being used for a different primary purpose;

4. The claimant for tax exemption hereunder has so departed from the equipment, design and construction previously certified by the enforcing agency that, in the opinion of said enforcing agency, the automatic fire suppression system is not suitable and reasonably adequate for the purpose of providing automatic fire suppression.

(d) The construction official shall notify the assessor in writing of the revocation of the certification.

(e) Appeals may be made regarding the decision of the construction official to the Construction Board of Appeals having jurisdiction, in accordance with N.J.A.C. 5:23A.

New Rule, R.1984 d.121, effective April 16, 1984.

See: 16 N.J.R. 180(a), 16 N.J.R. 874(a).

This section replaces 5:23-6.2, Construction Official's Responsibilities, which was recodified as N.J.A.C. 5:23-6.1(b).

Recodified from 5:23-6.2 by R.1987 d.387, effective October 5, 1987.

See: 19 N.J.R. 433(b), 19 N.J.R. 1793(a).

Recodified from 5:23-6.4 and amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

In (e), amended N.J.A.C. reference.

SUBCHAPTER 3. SUBCODES

5:23-3.1 Title; scope; intent

(a) This section of the regulations, adopted pursuant to authority of the State Uniform Construction Code Act and entitled "Subcodes," shall be known and may be cited throughout the regulations as "N.J.A.C. 5:23-3," and when referred to in this subchapter may be cited as "this subchapter."

(b) When used alone, the term "subchapter," "section," and so forth, refers to that portion of the regulations. When used in conjunction with the term "building subcode," "plumbing subcode" or "electrical subcode," and so forth, the term "article" or "section," and so forth, refers to that subcode.

(c) This subchapter shall control matters relating to:

1. The adoption of subcodes of the Uniform Construction Code.

2. Modifications to the subcodes adopted.

3. The organization of enforcement responsibilities.

4. The use of standards of accepted practice.

5. Approvals and interrelations.
6. The division of plan review responsibilities and State reserved activities; and
7. Procedures for adoption of future subcode amendments.

(d) This subchapter provides a uniform system of construction standards throughout the State through the adoption of model codes applicable throughout the State. Modifications made to the subcodes are for the purpose of providing a uniform, harmonious system of construction code interface and administration, and to resolve conflicts with preempting Federal and State legislation.

(e) Provisions concerning underground storage tanks, jointly enforced by the Department of Environmental Protection (DEP), are in N.J.A.C. 5:23-3.11B and in the DEP's rules at N.J.A.C. 7:14B.

Amended by R.1990 d.562, effective November 19, 1990.

See: 22 N.J.R. 2629(c), 22 N.J.R. 3482(d).

Added reference to N.J.A.C. 7:14B.

5:23-3.2 Matters covered; exceptions

(a) Except as is otherwise provided in (b), (c) and (d) below, the provisions of this subchapter shall apply uniformly throughout the State. Any standards other than those provided herein are void and of no effect.

(b) Rules concerning exceptions in health care facilities are as follows:

1. Construction and alteration of health care facilities shall be in accordance with this code and with the "Guidelines for Construction and Equipment of Hospital and Medical Facilities," 1992-93 edition or current edition (American Institute of Architects Committee on Architecture for Health). In the event of any conflict, the more restrictive code provision shall govern.

2. The Department of Health may adopt licensing standards for the physical plant and environment of health care facilities that supplement this code and the "Guidelines for Construction and Equipment of Hospital and Medical Facilities," although these standards may not be in conflict with these codes.

3. The publication "Guidelines for Construction and Equipment of Hospital and Medical Facilities" is available from The American Institute of Architects Press, 1735 New York Ave., N.W., Washington, D.C. 20006.

(c) Individual on-site water supply and sewage disposal systems shall be in accordance with N.J.S.A. 58:11-23 et seq., and N.J.A.C. 7:10-3.1 et seq. and N.J.A.C. 7:9-2.1 et seq.

(d) Rules concerning commercial farm buildings are as follows:

1. A commercial farm building means any building located on a commercial farm which produces not less than \$2,500 worth of agricultural or horticultural products annually which building's main use or intended use is related to the production of agricultural or horticultural products produced on that farm.

2. Buildings constructed in accordance with the provisions of this section and meeting the requirements of (d)1 above shall be classified as commercial farm buildings. For those provisions not covered by this section, commercial farm buildings shall comply with the construction code provisions applicable to Use Group S-2. Commercial farm buildings shall include, but not be limited to, the following: stall barns, milking parlors, poultry houses, horse arenas, packing houses for agricultural or horticultural commodities, farrowing houses, greenhouses, and buildings used for the storage of agricultural or horticultural products, farm machinery and farm equipment, or farm materials and supplies that are produced or used on the farm.

3. Pre-engineered grain bins, silos, manure handling equipment and impoundments used on a farm for the storage of agricultural commodities or by-products which are produced by or used on the farm shall not require a construction permit. However, all on-site construction work such as foundations and plumbing and electrical connections shall be subject to all requirements and inspections of any applicable subcode(s).

4. The type and amount of materials or supplies stored in a commercial farm building, including hay, straw, and livestock bedding materials, shall not be subject to limitation. However, other hazardous materials within spaces of commercial farm buildings occupied by more than 10 persons shall not exceed the allowable exempt amounts shown in Tables 307.8(1) and 307.8(2) of the building subcode unless separated from the occupied area by appropriate fire resistance rated construction as prescribed in the building subcode.

5. A commercial farm building may be used as a place of public assembly for not more than 15 days in a calendar year. For the purposes of enforcing this requirement, a public assembly shall be a gathering of 50 or more people. A permit shall be obtained from the local fire official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., and the fee for issuing the permit shall not exceed \$75.00 per event.

- i. A commercial farm building that is used as a place of public assembly for not more than 15 days in a calendar year and that is provided with electricity shall comply with section 1024 of the BOCA National Building Code.

6. Buildings containing any of the following uses are not included in the definition of a commercial farm building:

- i. Residential structures;

ii. High hazard facilities, such as grain elevators or grain storage silos used to store products which are neither used nor produced on the farm itself;

iii. Processing facilities that include specialized machinery to perform functions other than the washing, cleaning, hydrocooling, vacuum cooling, grading, sizing and packing of agricultural or horticultural products, unless the exempted functions are only the first step in a sequence of processing to be performed on the farm;

iv. Mercantile structures, such as farm retail markets or nursery greenhouse retail sales areas;

v. Offices with either 11 or more occupants, or floor area of greater than 1,200 square feet; and

vi. Buildings that contain any use not included in the definition of commercial farm building, except incidental offices as provided in (d)9vii below.

7. A commercial farm building may include a use that does not meet the definition of a "commercial farm building," provided that the space that does not meet the commercial farm building definition is separate from the remainder of the building with the required fire separation assemblies and meets all applicable requirements of the building subcode.

8. Construction type, height and allowable area requirements for commercial farm buildings and structures shall be as specified in the building subcode and shall not exceed the area or height limitations of Table 503 for the type of construction used, except as follows:

i. The height and area of a one story commercial farm building of any type of construction shall not be limited if the building meets the fire resistance rating and fire separation distance as specified in section 507.2 of the building subcode.

ii. The height and area of a two story commercial farm building of any type of construction shall not be limited if the building meets the fire resistance rating and fire separation distance as specified in section 507.2 of the building subcode and is provided with an approved automatic fire suppression system throughout, conforming to the Uniform Construction Code.

iii. Two or more commercial farm buildings excepted under (d)8i and ii above may be constructed on the same lot, or on an owner's contiguous lots without meeting the fire separation distance between them specified in section 507.2 of the building subcode. However, the fire separation distance specified in section 507.2 of the building subcode must be maintained between a commercial farm building and any building not eligible for this exemption.

9. Commercial farm buildings exempted under (d)8i above shall meet the following requirements in lieu of those requirements specified in the subsections of Chap-

ter 10, Means of Egress, of the BOCA National Building Code:

i. In lieu of the requirements of Section 1006.0, the maximum distance of travel from any point in the building to an exit shall not exceed 150 feet;

ii. In lieu of the requirements of Section 1010.0, one exit is required for each 15,000 square feet of floor area and fraction thereof;

iii. In lieu of the requirements of Section 1023.0, exit signs must be posted. Exit signs are not required to be illuminated;

iv. The provisions of section 1024.0 shall apply in commercial farm buildings where the owner has determined to provide electricity. Where electricity is provided, any electric light provided in the commercial farm building shall be deemed to meet the means of egress lighting requirements and a back up power source shall not be required unless the commercial farm building will be used as a place of public assembly in accordance with (d)5 above.

v. In lieu of the requirements of section 1008.0, occupancy is limited to 30 people;

vi. Lightning protection of the type required for the structure by NFPA 780, fire extinguishers and "no smoking" signs shall be provided;

vii. Offices with 10 or fewer occupants and a floor area not in excess of 1,200 square feet shall be considered incidental to the structure, if direct exit to the exterior is provided.

10. Site plans signed and sealed by a registered architect or a licensed engineer, pursuant to N.J.A.C. 5:23-2.15(e)1vii, shall not be required, provided that a sketch plan of the site is submitted to the construction official.

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).

Amended by R.1986 d.448, effective November 3, 1986.

See: 18 N.J.R. 757(a), 18 N.J.R. 2194(a).

Deleted (b)1 and 4; recodified (b)2 and 3 to (b)1 and 2.

Amended by R.1987 d.374, effective September 21, 1987.

See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).

(b)1: model subcode revisions.

Amended by R.1988 d.144, effective April 4, 1988.

See: 19 N.J.R. 1778(a), 20 N.J.R. 783(a).

Changed (b)2 to (c) and (d).

Amended by R.1993 d.662, effective December 20, 1993.

See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).

Amended by R.1997 d.269, effective July 7, 1997.

See: 29 N.J.R. 968(a), 29 N.J.R. 2817(a).

Inserted (d)5i; in (d)6vi, amended N.J.A.C. reference; in (d)8, inserted reference to construction type and inserted "except as follows"; deleted (d)8i; recodified former (d)8i(1) through (3) as (d)8i through iii; inserted new (d)9iv; recodified former (d)9iv through vi as (d)9v through vii; and recodified former (e) as (d)10.

Amended by R.1997 d.417, effective October 6, 1997.

See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).
Substantially amended (b)1.

5:23-3.3 Enforcement

(a) In accordance with the delineation of responsibility for enforcement specified herein, subject to specific reservations by the Department to itself and other State agencies, the appropriate official(s) shall enforce the subcode and shall act on any question relative to the mode or manner of construction, and the materials to be used in the erection, addition to, repair, renovation, alteration, reconstruction, removal, demolition, installation of service equipment, and the location, use and occupancy of all buildings and structures, except as may be otherwise specifically provided for in the regulations, including, but not limited to:

1. Applications, certificates and permits: Such official(s) shall review applications for permits for the erection, repair (other than the making of ordinary repairs), renovation, alteration and reconstruction of buildings and structures; indicate approval or denial to the construction official; and inspect the premises for which such permits have been issued and enforce compliance with the provisions of the regulations.

2. Notices and orders: Such official(s) shall issue all necessary notices or orders to remove illegal or unsafe conditions; to require the necessary safeguards during construction; and to insure compliance with all requirements for the safety, health and general welfare of the public.

3. Inspections: Such official(s) shall make all the required inspections, and all reports of such inspections shall be in writing and certified by them or they may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the construction official and appointing authority.

4. Enforcing agency records: Such official(s) shall assist in the keeping of official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued as may be required by the construction official.

Amended by R.1998 d.28, effective January 5, 1998.
See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

5:23-3.4 Responsibility

(a) An individual acting as a building subcode official or building inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the building subcode official:

BUILDING SUBCODE

Chapter 3 ^F	Chapters 22-25
Chapter 4 as follows:	Chapter 26 as follows:

401.0-403.7 ^F	2601.0-2601.2
403.10-405.6 ^F	2603.0-2605.0 ^F
406.0 ^F	2606.0-2609.0
407.0	Chapter 28
408.0-414.4 ^F	Chapter 30 as follows:
416.0-416.10 ^F	3001.0 ^{EL}
416.12-416.14.5 ^F	3006.0-3011.0 ^{EL, F}
416.15-417.5.3 ^F	Chapter 31 as follows:
417.5.5-419.3 ^F	3101.0-3105.0
420.0-421.11	3106.0 ^F
Chapters 5-6	3107.0-3111.0
Chapters 7-8 ^F	Chapter 32
Chapter 10 ^F	Chapter 33 as follows:
Chapter 12	3301.0-3304.0
Chapter 14-20	3305.0 ^F
Chapter 21 as follows:	3306.0-3315.0
2101.0-2112.0	Chapter 34 as follows:
2113.0-2117.0 ^F	3406.0 ^F
2118.0	

MECHANICAL SUBCODE

Chapter 3 ^F	M-908.0 ^F
Chapter 9 as follows:	M-910.0 ^F
M-901.0 ^F	Chapter 11 ^F
M-903.3 ^F	Chapter 12 ^F
M-905.1 ^F	Chapter 14 ^F
M-905.3 ^F	Chapter 16
M-905.4 ^F	Chapter 18 ^P

ENERGY SUBCODE

Chapter 1 as applicable Chapters 3-4

EL = Joint with Elevator Subcode Official for devices covered by N.J.A.C. 5:23-12 except those installed in Use Group R-3, R-4, or in R-2 structures where the elevator devices are wholly within dwelling units and not accessible to the general public.
F = Joint with Fire Subcode Official
P = Joint with Plumbing Subcode Official

2. Field inspection for the sections listed below shall be performed by an inspector possessing a building technical license.

BUILDING SUBCODE

Chapter 3	Chapters 5-8
Chapter 4 as follows:	Chapter 10
401.0-402.9	Chapter 12
402.14-403.1	Chapters 14-20
403.3.3	Chapter 21 as follows:
404.1	2101.0-2113.0
404.3	2118.0
404.5	Chapters 22-26
404.7-405.2	Chapter 28
405.4	Chapter 30 as follows:
406.0-408.3	3007.1
408.3.2-409.4	3007.4-3007.6
410.0-412.5	3008.1-3008.3
413.1-413.2	3010.1-3010.2.1
413.5.3-414.4	3010.2.3
415.0-416.3	3010.4
416.6-416.10	3011.2
416.12-416.14.5	3011.2.1
416.15-416.15.1	Chapter 31-33

416.15.3 Chapter 34 as follows:
 417.6.4-417.6.5 3406.0
 418.1-418.3.1.6
 418.3.3.3-421.11

MECHANICAL SUBCODE

Chapter 3 M-905.4
 Chapter 9 as follows: M-908.0
 M-901.0 M-910.0
 M-903.3 Chapter 14
 M-905.1 Chapter 16
 M-905.3

ENERGY SUBCODE

Chapter 1 as applicable Chapters 3-4

(b) An individual acting as a plumbing subcode official or plumbing inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the plumbing subcode official:

PLUMBING SUBCODE

All

MECHANICAL SUBCODE

Chapter 6 M-904
 Chapter 7 M-905.2
 Chapter 8 as follows: M-906.0
 (All except M-909.0
 M-801.2)
 Chapter 9 as follows: M-911.0
 M-903.1 M-912.0
 M-903.2 Chapter 13
 M-903.4-M-903.9 Chapter 18B

ENERGY SUBCODE

Chapter 1 as applicable Chapter 5

B = Joint with Building Subcode Official

2. Field inspection for the sections listed below shall be performed by an inspector possessing a plumbing technical license.

PLUMBING SUBCODE

All

MECHANICAL SUBCODE

Chapter 6 M-904.0
 Chapter 7 M-905.2
 Chapter 8 as follows: M-906.0
 (All except M-909.0
 M-801.2)
 Chapter 9 as follows: M-911.0
 M-903.1 M-912.0
 M-903.2 Chapter 13

M-903.4 Chapter 18
 through 903.9

ENERGY SUBCODE

Chapter 1 as applicable Chapter 5

(c) An individual acting as an electrical subcode official or electrical inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the electrical subcode official:

BUILDING SUBCODE

Chapter 4 as follows: 416.11^F
 403.9^F 416.14.6^F
 405.7-405.9^F 417.5.4^F
 414.5^F

ELECTRICAL SUBCODE

Article 90—Introduction Chapter 6 as follows:

Chapter 1 600 to 610

Chapter 2 620^{EL}

Chapter 3 as follows: 625 to 690

300-1 to 300-20 695^F

300-1^F

Chapter 7 as follows:

300-22 to 384 700 to 727

Chapter 4 as follows: 760^F

400 to 450 part B 770 to 780

450 part C^F

Chapter 8

455 to 480

Chapter 9

Chapter 5^F

ENERGY SUBCODE

Chapter 1 as applicable Chapter 6

F = Joint with Fire Subcode Official

E = Joint with Electrical Subcode Official

EL = Joint with Elevator Subcode Official for N.J.A.C. 5:23-12 devices not installed in Use Group R-3, R-4, or in R-2 structures in which the elevator devices are wholly within dwelling units and are not accessible to the general public.

2. Field inspection for the sections listed below shall be performed by an inspector possessing an electrical technical license.

ELECTRICAL SUBCODE

Article 90—Introduction

Chapters 1-5

Chapter 6 as follows:

600-610

620 (Note: The following sections are enforced by the electrical inspector when N.J.A.C. 5:23-12 devices are installed in any use group structures excluding installations in Use Group R-3, R-4, or R-2 where the elevator devices are located wholly within dwelling units and are not accessible to the general public.)

620-13 (on the line side of the machine room/machinery space disconnect(s))

620-22 (on the line side of the machine room/machinery space disconnect(s))

620-23
 620-24
 620-38 (for elect. equipment and materials only)
 620-51 (except for (b), (c) and (d))
 620-61(c) and 620-61(d) (on the line side of the machine room/ machinery space disconnect(s))
 620-85 (except for cartop receptacles)
 620-91(b)
 625-695
 Chapters 7-9

ENERGY SUBCODE

Chapter 1 as applicable Chapter 6

(d) An individual acting as a fire protection subcode official or fire protection inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the fire protection subcode official:

BUILDING SUBCODE

Chapter 3 ^B	Chapters 7-8 ^B
Chapter 4 as follows:	Chapter 9
401.0-403.7 ^B	Chapter 10 ^B
403.9 ^E	Chapter 21 as follows:
403.10-405.6 ^B	2113.0-2117.0 ^B
405.7-405.9 ^E	Chapter 26 as follows
406.0 ^B	2603.0-2605.0 ^B
408.0-414.4 ^B	Chapter 30 as follows:
414.5 ^E	3006.0-3011.0 ^{B, EL}
416.0-416.10 ^B	Chapter 31 as follows:
416.11 ^E	3106.0 ^B
416.12-416.14.5 ^B	Chapter 33 as follows:
416.14.6 ^E	3305.0 ^B
416.15-417.5.3 ^B	Chapter 34 as follows:
417.5.4 ^E	3406.0 ^B
417.5.5-419.3 ^B	

MECHANICAL SUBCODE

Chapter 3 ^B	M-905.3 ^B
Chapter 4	M-905.4 ^B
Chapter 5	M-908.0 ^B
Chapter 8 as follows:	M-910.0 ^B
M-801.2	Chapter 10
Chapter 9 as follows:	Chapter 11 ^B
M-901.0 ^B	Chapter 12 ^B
M-903.3 ^B	Chapter 14 ^B
M-905.1 ^B	

N.J.A.C. 5:23-3.20(c) Carbon monoxide alarms

ELECTRICAL SUBCODE

Chapter 3 as follows:	Chapter 6 as follows:
300-21 ^E	695 ^E
Chapter 4 as follows:	Chapter 7 as follows:
450 Part C ^E	760 ^E
Chapter 5 ^E	

B = Joint with Building Subcode Official
 E = Joint with Electrical Subcode Official

EL = Joint with Elevator Subcode Official for devices covered by N.J.A.C. 5:23-12 except those installed in Use Group R-3, R-4, or in R-2 structures where the elevator devices are wholly within dwelling units and not accessible to the general public.

2. Field inspection for the sections listed below shall be performed by an inspector possessing a fire protection technical license.

BUILDING SUBCODE

Chapter 4 as follows:	416.4-416.5
402.10-402.13	416.11
403.2-403.3.2	416.14.6
403.4-403.7	416.15.2
403.9-403.10	417.1-417.6.3
404.2	417.6.6
404.4	418.3.2-418.3.3.2
404.6	Chapter 9
405.3	Chapter 21 as follows:
405.5-405.9	2114.0-2117.0
408.3.1	Chapter 30 as follows:
409.5	3007.3
412.6-412.8	3010.2.2
413.3-413.5.2	3011.2.2
414.5	

MECHANICAL SUBCODE

Chapter 4	Chapter 10
Chapter 5	Chapter 11
Chapter 8 as follows:	Chapter 12
M-801.2	Chapter 15

N.J.A.C. 5:23-3.20(c) Carbon monoxide alarms

(e) An individual acting as an elevator subcode official or elevator inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the elevator subcode official:

BUILDING SUBCODE

Chapter 4 as follows [†] :
403.8
Chapter 30 as follows [†] :
3001.0 ^B
3003.3
3006.0-3011.0 ^{B, F}

ELECTRICAL SUBCODE

Chapter 6 as follows[†]:

620^E

ELEVATOR SUBCODE

All (except as otherwise provided for in N.J.A.C. 5:23-12)

B = Joint with Building Subcode Official

E = Joint with Electrical Subcode Official

F = Joint with Fire Protection Subcode Official

[†]These sections are enforced by the elevator subcode official when elevator devices covered by N.J.A.C. 5:23-12 are installed in any use group structures excluding installations in Use Group R-3, R-4, or R-2 where the elevator devices are located wholly within dwelling units and are not accessible to the general public.

2. Field inspection for the sections listed below shall be performed by an inspector possessing an elevator technical license:

BUILDING SUBCODE

Chapter 4 as follows [†] :	3007.7
403.8	3008.4
Chapter 30 as follows [†] :	3009.0
3001.0	3010.3
3003.3	3010.5
3006.0	3011.1
3007.2	

ELECTRICAL SUBCODE

Article 620 as follows[†]:

Part A and B excluding Sections 620-13 and 620-22 on the line side of the machine room/machinery space disconnect(s)

Part C (except Sections 620-23 and 620-24)

Part D (except Section 620-38)

Part E

Part F excluding Sections 620-51 and 620-51(a)

Part G excluding Sections 620-61(c) and 620-61(d) on the line side of the machine room/machinery space disconnect(s)

Part H

Part J (except Section 620-85 with the provision that the car top receptacles remains the responsibility of the elevator inspector)

Part K except section 620-91(b)

ELEVATOR SUBCODE

All (except as otherwise provided for in N.J.A.C. 5:23-12)

[†]These sections are enforced by the elevator inspector when elevator devices covered by N.J.A.C. 5:23-12 are installed in any use group structures excluding installations in Use Group R-3, R-4, or R-2 where the elevator devices are located wholly within dwelling units and are not accessible to the general public.

(f) Where responsibility for enforcement of a section is joint between two officials and there are conflicting opinions regarding enforcement, the construction official shall rule as to which interpretation or application shall be followed.

(g) Responsibility for enforcement of the barrier free and radon hazard subcodes shall be as delineated in N.J.A.C. 5:23-7.6A and 10.3, respectively.

(h) A mechanical inspector employed by the Department or by a municipality, and so assigned by the construction official, shall have responsibility for enforcement of all provisions of the code, except electrical, relating to the installation of mechanical equipment, such as refrigeration, air conditioning or ventilating apparatus, gas piping or heating systems, in Use Group R-3 or R-4 structures.

1. When assigned by the construction official, a plumbing subcode official shall have responsibility for the enforcement of all provisions of the code, except electrical,

for the replacement of heating or cooling equipment or water heaters in Use Group R-3 and R-4 structures. A plumbing subcode official need not be a mechanical inspector to perform these inspections.

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).

Amended by R.1986 d.380, effective September 22, 1986.

See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a), 18 N.J.R. 2063(a).

Substantially amended.

Amended by R.1987 d.14, effective January 5, 1987.

See: 18 N.J.R. 2083(a), 19 N.J.R. 63(a).

(f)4 added; old (f)4-6 renumbered (f)5-7.

Amended by R.1987 d.374, effective September 21, 1987.

See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).

(a)1 through 4: model subcode revisions.

Amended by R.1990 d.226, effective May 7, 1990.

See: 21 N.J.R. 3696(a), 22 N.J.R. 1356(a).

Provisions for enforcement of radon subcode added at (g).

Amended by R.1990 d.507, effective October 15, 1990.

See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).

Text conformed to BOCA National Code/1990.

Amended by R.1991 d.325, effective July 1, 1991.

See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Other elevator devices covered; enforcement responsibilities clarified.

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

Amended by R.1992 d.183, effective April 20, 1992.

See: 24 N.J.R. 167(a), 24 N.J.R. 1475(b).

Enforcement of indoor air quality subcode assigned to building subcode official.

Amended by R.1993 d.187, effective May 3, 1993.

See: 25 N.J.R. 624(a), 25 N.J.R. 1875(a).

Added subsection (j); deleted "Allocation of enforcement" from heading.

Amended by R.1993 d.662, effective December 20, 1993.

See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).

Amended by R.1995 d.143, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4872(a), 27 N.J.R. 1179(b).

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

In (g), deleted reference to exception to exclusive authority provided in N.J.A.C. 5:23-3.11(h).

Amended by R.1997 d.418, effective October 6, 1997.

See: 29 N.J.R. 3402(a), 29 N.J.R. 4286(a).

In (f), inserted reference to (j); and added (j)1.

Amended by R.1998 d.28, effective January 5, 1998.

See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Inserted (k) stating responsibility for the enforcement of the rehabilitation subcode.

Repeal and New Rule, R.1998 d.332, effective July 6, 1998.

See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).

Section was "Responsibility".

Amended by R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

In (d)1 and (d)2, under "MECHANICAL SUBCODE", added references to N.J.A.C. 5:23-3.20(c).

5:23-3.5 Posting structures

(a) Posted use and occupancy: Every building and structure and part thereof designed for business, factory and industrial, high hazard, mercantile, or storage use, (use groups B, F, H, M and S) as defined in article 2 of the building subcode shall be posted on all floors by the owner with a suitably designed placard in a form designated by the building subcode official, which shall be securely fastened to the structure in a readily visible place, stating the use group and the live load and occupancy load.

(b) Posted occupancy load: Every building and structure and part thereof designed for use as a place of public assembly or as an institutional building for harboring people for penal, correctional, educational, medical or other care or treatment (use groups A, E and I) shall be posted with an approved placard designating the maximum occupancy load.

(c) Replacement of posted signs: All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed, or defaced and, if lost, removed or defaced, shall be immediately replaced.

(d) 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 regulations in respect to posting; or they may accept the report of such inspection from an authorized licensed professional engineer or architect; and such inspection and report shall specify any violation of the requirements of the regulations in respect to the posting of floor load, occupancy load and use group of the building.

(e) Identification: Any building official or fire protection official making periodic inspections, shall present personal identification as provided by the municipality.

Amended by R.1989 d.555, effective November 6, 1989.

See: 21 N.J.R. 2783(a), 21 N.J.R. 3460(a).

Added reference to E Use Group (educational facilities) at (b).

Amended by R.1990 d.507, effective October 15, 1990.

See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).

Text conformed to BOCA National Code/1990.

(b) Remedies:

1. Whenever the department shall not have received the notice as described in (a)1 of this section, at least one month prior to the effective date of the regulations, it shall forward by certified or registered mail, return receipt requested, to the governing body of any such municipality, a notice of failure to comply with these regulations, a statement detailing the implications of such failure, and a statement of intention to seek the order of a court of competent jurisdiction requiring that the municipality declare its intention with respect to enforcement pursuant to (a)1 of this section or in the alternative that the department be established as the enforcing agency in such municipality.

2. The department may seek an order pursuant to this subsection after the expiration of 10 days from the mailing of such notice.

(c) Term; transfer:

1. Whenever a municipality pursuant to (c)2 below, having relinquished its jurisdiction for the administration and enforcement of the code to the department, shall seek to reestablish such jurisdiction, it may do so upon the passage of an ordinance establishing an enforcement agency in accordance with the regulations; provided however, that such ordinance shall not take effect until the expiration of 120 calendar days from the date of certified

copy of the ordinance is received by the department in order to give the department sufficient time to reallocate staff assignments.

2. Whenever a municipality having accepted responsibility for administration and enforcement of the regulations shall seek to relinquish such authority to the department, it may do so upon the passage of an ordinance repealing the functions and duties of the enforcing agency and transferring same to the department; provided however, that such ordinance shall not take effect until the expiration of 120 calendar days from the date a certified copy of the ordinance is received by the department, in order to give the department sufficient time to hire any necessary staff and to integrate the municipality's enforcing agency functions within its overall inspection program; provided further that whenever the commissioner shall determine that the interest of public health, safety and welfare cannot be accommodated within this period, the commissioner may notify the municipality that the department will not accept jurisdiction for an additional period to be specified. During this period the municipality shall continue to enforce the regulations.

i. Whenever the commissioner shall seek to delay acceptance of jurisdiction pursuant to this section beyond 120 days, such shall be upon notice and opportunity to be heard pursuant to the Administrative Procedures Act, N.J.S.A. 52:14.B-1 et seq.;

ii. In any transfer of authority, the department shall succeed to any and all records and files of the enforcing agency, or copies of such records and files, if the municipal enforcing agency so provides, which the department may transport to a location of its choice after the effective date of the repealing ordinance;

iii. The department shall be free to phase its procedures and operation in during the interim between the adoption of any repealing ordinance and its effective date;

iv. The department's fee schedules, hearing provisions, and any other requirements which pertain when the department acts in its capacity as the enforcing agency, shall come into operation on the effective date of the repealing ordinance. To the extent feasible, the department shall treat the holder of an outstanding construction permit in the same manner as he would have been treated under the municipal enforcing agency;

v. Whenever a county board of appeals shall have acted for such municipality, the commissioner shall notify the county board of the transfer and the termination of its jurisdiction.

3. Except as otherwise provided in (a)3 above with regard to enforcement of the elevator safety subcode, the Department shall not assume partial responsibility for the enforcement of the regulations pursuant to this section. Whenever the Department is constituted as the local enforcing agency by the municipality, it shall act as the exclusive enforcing agency with respect to all subcodes and all areas of the regulations within the limits of such municipality.

(d) Establishment by ordinance:

1. Any municipality which shall have complied with (a)1 above shall thereafter, but prior to the effective date of the regulations, adopt an ordinance constituting its enforcing agency.

2. Such ordinance shall establish the construction official as the chief administrator of the enforcing agency. It shall establish as many subcode official positions as the Commissioner shall issue types of licenses for subcode officials. Any person who holds more than one subcode official position shall be qualified for each position pursuant to N.J.A.C. 5:23-5. Staffing procedures shall not result in an inadequate municipal inspection force.

3. Such ordinance need not require that the construction official or each of the subcode officials, or any of their assistant and staff, work exclusively for the enforcing agency, or that they be located in one office or building within the municipality. But such ordinance shall specify that for purposes of the regulations and its enforcement,

any such dispersed personnel are subject to the procedures and policies of the enforcing agency and are primarily responsible to the construction official. Further, such ordinance shall indicate that irrespective of any dispersal of personnel, the public shall have the right, unless in the case of emergency, unforeseen or unavoidable circumstance, to do business at one enforcing agency center. Any reorganization necessary to provide for the coordination of dispersed personnel so as to enable the enforcing agency to act within the various time limits established by the act and the regulations shall be provided in such ordinance or may be delegated to the appointing authority.

4. Such ordinance shall, if the municipality has so chosen, establish a construction board of appeals in accordance with N.J.A.C. 5:23A. The municipality may permit the board to hire new staff or to utilize existing municipal staff in addition to such staff as is provided for in N.J.A.C. 5:23A as it may deem appropriate.

5. Such ordinance shall establish a system of fees in accordance with N.J.A.C. 5:23-4.17.

6. Such ordinance, including any amendments thereto whenever made, shall be forwarded to the department upon adoption.

(e) Personnel:

1. Personnel hired or transferred on a full or part-time basis, for purposes of the administration of the act and the regulations, may be hired or transferred by resolution of the governing body, or by such other procedure as is provided by law in the municipality for such purposes.

2. Not later than 30 days after the effective date of the regulations and whenever changed thereafter, the municipality shall file with the department a list containing the names and certification numbers of the construction official and each subcode official.

(f) Departmental intervention:

1. Except as otherwise provided in (f)2 below, whenever the Department shall have reasonable cause to believe that a local enforcing agency is not carrying out its functions as intended by the Act and regulations, it shall forward, by certified or registered mail, return receipt requested, to the governing body, to the construction official, and to the municipal manager or administrator, if any, having jurisdiction over the local enforcing agency, a notice stating the nature of the alleged failure of the local enforcing agency to perform, the implications of such failure, and a statement setting forth the corrective action required to be taken by the local enforcing agency.

i. In the case of a local enforcing agency which the Department finds to have repeatedly or habitually failed to enforce the provisions of the State Uniform Construction Code Act, the Department shall issue an order, in the manner, and subject to the requirements, set forth in (f)1 above, to dissolve the local enforcing agency and replace it by the Department.

ii. No local enforcing agency shall be dissolved and replaced by the Department for repeated or habitual failure to enforce the regulations except upon its failure, or the failure of the governing body or official having jurisdiction over it, to comply with a notice issued by the Department setting forth corrective action required to be taken in order to ensure proper administration of the local enforcing agency and enforcement of the Code.

iii. Prior to the issuance of an order for the dissolution of any local enforcing agency and its replacement by the Department, or as an alternative to any such order, the Department shall place the local enforcing agency under the temporary supervision of an administrator employed by the Department. For the first 60 days of any period in which a local enforcing agency is under the temporary supervision of a Department administrator, the local enforcing agency shall retain fee revenue and be responsible for the payment of employee salaries and other expenses, other than the expenses of the administrator, in the same manner as if the local enforcing agency were not under the supervision of a Department administrator. In the event the period of temporary supervision extends beyond 60 days and the Department has assigned its own personnel to serve as officials and/or inspectors, fee revenue after the sixtieth day shall be paid to the Department and used by the Department to pay the costs of the local enforcing agency.

iv. In the event that any municipality having jurisdiction over a local enforcing agency subject to any notice or order issued pursuant to this paragraph is aggrieved by such notice or order, the municipality shall be entitled to an administrative hearing conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. A request for any such hearing must be mailed, within 15 days after receipt of the notice or order being appealed, to the Hearing Coordinator, Division of Codes and Standards, PO Box 802, Trenton, NJ 08625-0802. The right to a hearing under this paragraph shall also extend to any licensed code enforcement official or inspector who would be adversely affected by any Departmental order.

2. In any case in which it may find it necessary to do so, the Department may supplant or replace a local enforcing agency for a specific project.

(g) The commissioner may, upon written application by the governing body of a municipality, temporarily waive any administrative requirement of the regulations which because of special circumstances impedes a municipality in the enforcement of the code. Any municipality seeking such a temporary waiver, shall in its written request state the nature of the problem, the relief sought and alternative measures, if any, which might meet the intent of the requirement for which such temporary waiver is sought. The commissioner may grant a hearing pursuant to the Administrative Procedures Act, if a more complete record of the case is deemed necessary.

Amended by R.1989 d.435, effective August 21, 1989.

See: 20 N.J.R. 1764(a), 21 N.J.R. 2474(a).

Deleted (e), which was "Interim Procedures" and recodified (f) "Personnel" as new (e), with no change in text. Deleted (g) "Failure to perform" and reserved subsection as (f). Recodified old (h) as (g). Amended by R.1989 d.551, effective November 6, 1989.

See: 21 N.J.R. 2436(a), 21 N.J.R. 3460(b).

New subsection (f) added regarding departmental intervention.

Administrative Correction to (d)4.

See: 22 N.J.R. 2503(b).

Amended by R.1991 d.325, effective July 1, 1991.

See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Elevator plan review provisions added at (a)3.

Amended by R.1992 d.245, effective June 15, 1992.

See: 24 N.J.R. 1148(a), 24 N.J.R. 2244(a).

Exception for elevator safety subcode added to (a)3.

Administrative Change.

See: 26 N.J.R. 5007(a).

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

In (f)1iv, changed Division for appeals.

Case Notes

Township of Edison v. Coleman, 239 N.J.Super. 301, 571 A.2d 312 (A.D.1990).

Citation to former N.J.A.C. 5:23-4.3 for construction official's duties; Township manager without authority over matters of code enforcement and official discipline due to State legislative preemption. J.P. Properties, Inc. v. Macy, 183 N.J.Super. 572, 444 A.2d 1131 (Law Div.1982).

Regulation required for Commissioner to order refund by municipal enforcement agencies of charges in excess of operating costs; no refund without regulation adoption. Bureau of Construction Code Enforcement v. Hasbrouck Heights, 4 N.J.A.R. 282 (1983).

Regulations govern municipal enforcement agencies. Bureau of Construction Code Enforcement v. Hasbrouck Heights, 4 N.J.A.R. 282 (1983).

5:23-4.3A Enforcing agency classification

(a) Local enforcing agencies shall be classified as RCS (specialty in residential and small commercial structures), ICS (specialty in industrial and commercial structures) or HHS (specialty in high-rise/hazardous structures). The classification of the enforcing agency shall be determined by the highest class of structures for which the construction official and each subcode official in a municipality is licensed to do plan review.

(b) The classification of an enforcing agency is determined by the lowest level of inspector license held by any of the subcode officials appointed to establish such agency and by the highest level of inspector license held by the appointed construction official. In the case of subcode officials, the inspector license used to determine the classification of the agency must be in the subcode area for which that individual is appointed. Enforcing agencies shall be classified as follows:

1. Class 1 agency: The lowest level of inspector license held in accordance with N.J.A.C. 5:23-5 by the construction official or any of the subcode officials appointed to constitute the enforcing agency is an HHS inspector license.

2. Class 2 agency: The lowest level of inspector license held in accordance with N.J.A.C. 5:23-5 by the construction official or any of the subcode officials appointed to constitute the enforcing agency is an ICS inspector license.

3. Class 3 agency: The lowest level of inspector license held in accordance with N.J.A.C. 5:23-5 by the construction official or any of the subcode officials appointed to constitute the enforcing agency is an RCS inspector license.

(c) Any change in the classification of an enforcing agency shall be effective immediately upon a change in the level of licensure of any of the officials appointed to constitute the enforcement agency as described in (a) above. The ability of a municipality to accept an application for plan review shall be determined by the classification of that municipality as of the date of application. Nothing contained herein, however, shall be construed to permit any enforcement agency to continue to review plans submitted if the classification of the agency has changed so as to render the agency no longer eligible to review the plans in question.

(d) Enforcing agencies shall be permitted to perform plan review activities in accordance with the agency classification for the use groups listed in the following schedule (keyed to section 302.1 of the building subcode):

1. Class 3 agencies:

- i. Use group B less than 7,200 square feet, two stories, 30 feet high;
- ii. Use group M less than 4,800 square feet, one story, 20 feet high;
- iii. Use group S-1 less than 4,200 square feet, one story, 20 feet high;
- iv. Use group S-2 less than 7,200 square feet, two stories, 30 feet high;
- v. Use group R-3 as permitted in the building subcode and including accessory private garages (section 407.0), radio and television antennae (section 3108.0) and swimming pools (section 421.0).

2. Class 2 agencies:

- i. All plan review activities permitted to class 3 officials;
- ii. Use group A-1 less than 4,800 square feet, one story, 20 feet high;
- iii. Use group A-2 less than 2,400 square feet, one story, 20 feet high;
- iv. Use group A-3 less than 8,400 square feet, two story, 30 feet high;
- v. Use group A-4 less than 14,400 square feet, two story, 30 feet high;
- vi. Use group A-5 less than 5,000 square feet, one story, 30 feet high;
- vii. Use group B less than 34,200 square feet, six story, 75 feet high;
- viii. Use group E less than 14,400 square feet, two story, 30 feet high;
- ix. Use group F-1 less than 22,800 square feet, six story, 75 feet high;
- x. Use group F-2 less than 34,200 square feet, six story, 75 feet high;
- xi. Use group H (paint spray booths, section 419.2.1 only);
- xii. Use group I-1 less than 8,400 square feet, three story, 40 feet high;
- xiii. Use group I-2 less than 7,200 square feet, one story, 20 feet high;
- xiv. Use group I-3 less than 6,000 square feet, one story, 20 feet high;
- xv. Use group M less than 22,800 square feet, six story, 75 feet high;
- xvi. Use group R-1 less than 9,600 square feet, three story, 40 feet high;
- xvii. Use group R-2 less than 9,600 square feet, three story, 40 feet high;
- xviii. Use group S-1 less than 19,950 square feet, five story, 65 feet high;
- xix. Use group S-2 less than 34,200 square feet, six story, 75 feet high;
- xx. Use group U as permitted by the building subcode.

3. Class 1 agencies:

- i. All plan review activities permitted to class 2 and class 3 officials;
- ii. All remaining use groups and categories not reserved to the State.

4. Square foot area listed in (c)1, 2 and 3 are per floor.

(e) Departmental plan review shall not be required for class 3 work. Departmental plan reviews prior to the issuance of a permit shall be required for class 2 work after January 1, 1981, unless the construction official and each subcode official in the municipal enforcing agency is certified at, at least the class 2 level of certification. Departmental plan review prior to the issuance of a permit shall be required for class 1 work as of the effective date of the regulations and until the construction official and each subcode official in the municipal enforcing agency is certified at the class 1 level of certification. Alterations, replacements, repairs, damages and additions to class 1 buildings shall require a department plan review when:

1. The alterations, replacements, repairs or damages exceed 50 percent of the physical value of the building, provided that any alterations, replacements, repairs or damages exceeding 25 percent of the physical value of the building shall be forwarded by the enforcing agency to the department, which may in its discretion review such plans, or may return such plans to the municipality for review.

2. The addition would cause a building not previously classified as class 1 to be classified as class 1.

(f) The Department shall issue a roster of enforcing agencies and their classification upon request. Copies may be obtained by contacting the Licensing Section, Bureau of Code Services, PO Box 816, Trenton, New Jersey 08625-0816.

Amended by R.1992 d.272, effective July 6, 1992.

See: 24 N.J.R. 1446(a), 24 N.J.R. 2424(a).

Text on enforcing agency classification recodified from 3.10; new (a) added.

Amended by R.1993 d.662, effective December 20, 1993.

See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

5:23-4.4 Municipal enforcing agencies—organization

(a) The municipality shall organize its enforcing agency in accordance with the ordinance adopted pursuant to N.J.A.C. 5:23-4.3 and to meet the following additional requirements:

1. Construction official: The construction official shall serve as the chief administrator of the enforcing agency. He shall establish the day to day operating routines of the agency and shall coordinate the activities of the subcode officials. He shall be qualified in accordance with subchapter 5 of this chapter in at least one subcode.

2. Subcode officials: Subcode officials shall enforce the provisions of those subcodes for which they are responsible in accordance with N.J.A.C. 5:23-3 and qualified in accordance with N.J.A.C. 5:23-5 and for which they have been appointed by the appointing authority. Each subcode official shall be responsible for the administration and enforcement of the appropriate subcode, subject to the procedures of the enforcing agency as administered by the construction official. However, each subcode official shall have exclusive decision-making authority with respect to the technical provisions of the subcode for which he has been appointed the official.

3. Interface: Nothing shall prevent one person from serving in more than one position for which he is certified and qualified. However, more than one person shall not be appointed concurrently to the same position.

4. Assistants: The appointing authority may establish positions other than those provided in N.J.A.C. 5:23-5 as is deemed necessary. The commissioner reserves the right to establish categories of certification for such positions. The construction official or appropriate subcode official shall be responsible for the supervision of any such personnel.

5. Whenever the municipality contracts with private on-site inspection agencies for all subcodes, it shall as a minimum appoint a construction official to coordinate activities.

6. Acting appointments: A municipality shall appoint an acting construction official or subcode official any time the absence of such official would impede orderly administration of the Uniform Construction Code and other duties mandated by the municipality. Acting appointments shall be accomplished by any mechanism acceptable to the municipality; providing, however, that a written record shall be kept. Notice to the Department shall be provided within seven days any time an appointment is made for more than 30 days. Acting appointments may not be made for longer than 60 days, nor may they be extended or renewed beyond 60 days unless specific authority to do so is granted in writing by the Department.

- i. Only an individual licensed as a construction official may be appointed as an acting construction official and only an individual licensed as a subcode official in a particular subcode may be appointed as an acting subcode official for that subcode. The technical license level of an acting construction or subcode official shall be superior or parallel to the enforcing agency classification of the municipality or such municipal classification shall be downgraded to the technical license level of the acting official for the period of time in the position. Employees of private on-site inspection agencies shall not serve as acting construction officials. Employees of private on-site inspection agencies may serve as acting subcode officials, provided that notice of any such appointment shall be given to the Department by the construction official within seven days of the making of the appointment and that such notice shall contain information as to the form and amount of the payment being made to the agency for the services of the acting subcode officials.

- ii. Acting appointments shall not constitute the statutory four-year term for construction and subcode officials or any portion thereof.

- iii. Conflict of interest provisions set forth in this subchapter shall apply to acting officials.

4. Where a portion of the work is alteration work:

i. Consult the alteration section of this subcode (N.J.A.C. 5:23-6.6);

ii. Ensure that the alteration work does not use any prohibited materials and that any applicable required materials or practices are being used;

iii. Ensure that any materials and methods used for the alterations conform to the requirements of the materials and methods section of this subcode (N.J.A.C. 5:23-6.8);

iv. Ensure that alteration which creates a new building element listed in N.J.A.C. 5:23-6.9 conforms to the requirements for new building elements that are specified in N.J.A.C. 5:23-6.9; and

v. Ensure that none of the alteration work creates a new condition which would create a violation of any of the basic requirements applicable to the use group that are specified in N.J.A.C. 5:23-6.10 through 6.30.

5. Determine whether the project is a reconstruction project according to the definitions in N.J.A.C. 5:23-6.3. When the project is a reconstruction project:

i. Establish the work area of the project and show it on the plans and/or permit application;

ii. Ensure that the requirements applicable to the repair, renovation, and alteration portions of the project are followed;

iii. Ensure that the basic requirements for the particular use that are specified in the relevant section of this subcode between N.J.A.C. 5:23-6.12 and 6.28 are followed. Where the project work area includes more than one use group, then N.J.A.C. 5:23-6.29 should be consulted; and

iv. Review the size of the work area against the relevant provisions of the supplemental requirements in N.J.A.C. 5:23-6.11A through 6.28A. Where compliance with a supplemental requirement is necessary, then ensure that the plans and/or the permit application reflect compliance with the required section. Some supplemental requirements will require work outside the work area.

(g) Changes of Use: The Uniform Construction Code divides all buildings into categories called uses. The Rehabilitation Subcode uses these same classifications.

1. The different uses represent different hazards and different needs. Specific requirements apply to each use. Each of the other technical subcodes of the Uniform Construction Code: Building, Fire, Plumbing, Electrical, and Mechanical, defines these uses, each for its own purpose. Traditionally, the Uniform Construction Code required any building or portion of a building where the use was changed to conform to the requirements of the code for a new building of that use. This subcode takes a different approach.

2. A change of use in a building often, but not always, involves some construction work. Changes of use, in which the owner does not need any construction work to effect the new use, do happen. The different uses defined by the code reflect different levels of hazard and different safety requirements. Depending upon the specific change, a new use may not affect the hazard; it could pose a lesser hazard; or it might pose a greater hazard or necessitate additional safety measures.

3. This subcode allows changes of use where the new use is similar to or less demanding in terms of hazard or safety requirements than the present use. No modifications to the building are required by this subcode where such a change of use is planned.

4. This subcode uses the concept of hazard indexes in order to specify the requirements for a change of use. Separate hazard indexes are established for different aspects of building, health, and safety:

i. Basic Requirements: Changes of use specified in N.J.A.C. 5:23-6.31(b) must comply with the basic requirements set forth in N.J.A.C. 5:23-6.10 through 6.30 before the building can be occupied for the new use.

ii. Means of Egress: Certain changes of use specified in N.J.A.C. 5:23-6.31(c) must comply with additional requirements for egress which are set forth in N.J.A.C. 5:23-6.31 before the building can be occupied for the new use.

iii. Vertical Openings: Stairways and other vertical openings located in a building or portion of a building where there is a change of use are required to meet certain enclosure requirements for the new use which are specified in N.J.A.C. 5:23-6.12 through 6.28. These requirements must be met before the building may be occupied for the new use.

iv. Height and Area Limits: Changes of use are not allowed if the building will exceed the height and area limits specified in N.J.A.C. 5:23-6.31(e) for its type of construction. The types of construction are defined in N.J.A.C. 5:23-3.14, the Building Subcode.

v. Exterior Walls: Changes of use as specified in N.J.A.C. 5:23-6.31(f) of this subcode must have the fire resistance of exterior walls and any openings therein improved as specified in N.J.A.C. 5:23-6.31(f) before the building can be occupied for the new use.

vi. Fire Suppression: Changes of use as specified in N.J.A.C. 5:23-6.31(g) must have a fire suppression system installed in accordance with the requirements of N.J.A.C. 5:23-6.31(g) before the building can be occupied for the new use.

vii. Fire Alarms and Fire Detection Systems: Changes of use as specified in N.J.A.C. 5:23-6.31(h), (i) and (j) must have fire alarms or fire detection installed in accordance with the requirements of N.J.A.C. 5:23-6.31(h), (i), and (j) before the building can be occupied for the new use.

viii. Structural, Plumbing, Electrical, and Mechanical: Some changes of use may necessitate changes to the structural, plumbing, electrical, or mechanical systems of a building. These requirements are set forth in N.J.A.C. 5:23-6.31(k), (l), (m) and (n) of this subcode. Only those requirements necessitated by the change and needed for health or safety in the new use as specified must be met.

ix. Accessibility Requirements: Changes of use must conform to the accessibility requirements specified in N.J.A.C. 5:23-6.31(o) before the building can be occupied for the new use.

5. Where the owner of a building undergoing a change of use decides to undertake work not required by N.J.A.C. 5:23-6.31, then that work must comply with the requirements for repair, renovation, alteration, and reconstruction, as the case may be, which are established by N.J.A.C. 5:23-6.4, 6.5, 6.6 and 6.7.

6. Where the use of a building or portion of a building is changed, a new certificate of occupancy is required for the new use by the provisions of N.J.A.C. 5:23-2. This does not mean that all changes of use are required to meet the requirements for reconstruction. Only a project which meets the definition of reconstruction set forth in N.J.A.C. 5:23-6.3 need comply with the provisions of N.J.A.C. 5:23-6.7, Reconstruction.

(h) Additions: Additions are required to comply with the provision of the other technical subcodes of the Uniform Construction Code. Work in the existing building which is related to the addition must conform with the requirements of N.J.A.C. 5:23-6.32. Additionally, such work undertaken in the existing building must comply with the requirements for repair, renovation, alteration, and reconstruction as set forth in N.J.A.C. 5:23-6.4, 6.5, 6.6 and 6.7.

(i) Historical Buildings: N.J.A.C. 5:23-6.33 defines those buildings which are to be treated as historic and sets forth certain special requirements applicable to historic buildings which modify the provisions of this subcode when a building is historic. N.J.A.C. 5:23-6.33 should be reviewed to determine if a building is to be treated as historic under this subcode and for the special provisions applicable to the various types of historical buildings.

5:23-6.2 Applicability and compliance

(a) This subchapter, adopted pursuant to authority of the State Uniform Construction Code Act (P.L. 1975, c.217), and entitled "Rehabilitation Subcode," shall be known and may be cited throughout the regulations as N.J.A.C. 5:23-6, and when referred to in subchapter 6 of this chapter, may be cited as "this subchapter" or "this subcode." Unless otherwise specifically provided, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this subchapter.

(b) Scope: Except as otherwise specified, this subchapter shall control all matters concerning the repair, renovation, alteration, reconstruction, change of use, and addition to all buildings and structures and their service equipment as defined herein and shall apply to all existing buildings and structures in the State of New Jersey.

1. This subchapter shall not be applied to any building or portion thereof that has never been occupied. In such buildings or spaces, the requirements of the other subcodes of the Uniform Construction Code for new construction shall apply.

2. All work shall be classified by the construction official, in consultation with the appropriate subcode official(s), as one or more of six categories: repair, renovation, alteration, reconstruction, change of use, and additions. Specific requirements are established for each work category.

3. Work of more than one category may be part of a single work project.

i. Where a project includes repair, renovation or alteration work, then the work in each such category shall comply with the requirements for that category of work.

ii. Where a project is a reconstruction project which includes repair, renovation or alteration work, then the work in each such category shall comply with the requirements for that category of work.

iii. Where an alteration project results in a new building element, then each such new element shall comply with the requirements for new building elements.

iv. Where a project is a reconstruction project, then the entire work area shall comply with the basic requirements of this subcode. Where a reconstruction project in a building involves more than one work area, then each work area shall comply with the requirements of this subcode. Additionally, reconstruction projects shall comply with the supplemental requirements of this subcode where they exceed the size requirements specified by this subcode in the sections governing supplemental requirements.

v. Where the use of a building or portion thereof is changed, then the building or portion thereof shall be made to conform to the requirements of this subcode for a change of use. Where work is required by N.J.A.C. 5:23-6.31 for a change of use to be approved, then that work shall comply with the requirements of this subcode for changes of use. Where a project undertaken in connection with a change of use involves repairs, renovations or alterations which are not required by this subcode for the change of use, then the work in each such category shall comply with the requirements of this subcode for that category.

vi. Where the work project involves an addition to a building, then the addition shall comply with the requirements of the other subcodes of the Uniform Construction Code for new buildings. Any repair, renovation or alteration undertaken in an existing building in connection with an addition shall comply with the requirements of this subcode for such category of work.

(c) Compliance: The only requirements of the other subcodes of the UCC which apply are specifically set forth in this subchapter. Compliance with the requirements of the other subcodes of the Uniform Construction Code is not required for work in existing buildings. However, building components already in compliance with the requirements of the other subcodes of the Uniform Construction Code shall be replaced with components that comply. Where no year or edition is given for a standard referenced in this subchapter, the year or edition shall be the one referenced in the other subcode(s) of the UCC.

1. Buildings in compliance with the current edition of the applicable subcode shall not be required to comply with any more restrictive requirement of this subcode.

2. The repairs, renovations, alterations, reconstruction, and changes of use and/or additions, of any building or structure currently existing shall conform to the requirements of this subchapter. Where compliance with the provisions of this subchapter would result in practical difficulty, the owner may apply for a variation in accordance with N.J.A.C. 5:23-2.10.

3. Any variation previously issued in writing pursuant to the UCC shall remain in force and effect unless the work to be performed during the course of the rehabilitation project causes one of the conditions of the variation to be violated or would otherwise create a hazardous condition.

4. As an alternative to compliance with the building and fire protection requirements of this subchapter, a permit applicant shall be allowed to evaluate the building in accordance with Section 3408.6 of the BOCA National Building Code, 1996 edition, incorporated herein by reference, and to bring the building into compliance with the standards contained therein.

(d) Permits: The requirements of this subchapter shall apply to all rehabilitation work without regard to whether a permit is required for such work. It should not be assumed that a permit is required simply because a requirement is established by this subchapter. Determinations as to whether a permit is required shall be made in accordance with the administrative provisions of the UCC contained at N.J.A.C. 5:23-2.

(e) Enforcement Responsibilities: Responsibility for the enforcement of the provisions of this subchapter shall be as indicated in parentheses at the end of each section, subsection, paragraph or subparagraph, as appropriate (for example, in a subsection of several paragraphs, the enforcement

responsibility shall be in parentheses after the subsection's last paragraph). For provisions of other subcodes of the Uniform Construction Code referenced herein, enforcement responsibility shall be as indicated in N.J.A.C. 5:23-3.4.

1. Assignment of enforcement responsibility for a requirement does not imply that work undertaken that would not otherwise require a permit under the provisions of N.J.A.C. 5:23-2 of the Uniform Construction Code would now require a permit. Assignment of enforcement responsibility means that when there is a permit required or a complaint lodged, the designated subcode official is responsible. The parenthetical notes shall have the following meanings:

i. "Building" means that responsibility is assigned to the building subcode official.

ii. "Fire" means that responsibility is assigned to the fire protection subcode official.

iii. "Electrical" means that responsibility is assigned to the electrical subcode official.

iv. "Plumbing" means that responsibility is assigned to the plumbing subcode official.

v. "Elevator" means that responsibility is assigned to the elevator subcode official.

2. Responsibility for the enforcement of mechanical requirements in buildings of use Group R-3 or R-4 may be assigned as delineated in N.J.A.C. 5:23-3.4 at the discretion of the construction official.

3. Enforcement of the provisions of the barrier free subcode shall be as provided in N.J.A.C. 5:23-7 of the Uniform Construction Code.

(f) Pre-Existing Buildings: Buildings or structures legally in existence at the time of the adoption or subsequent amendment of this subchapter may continue in use and nothing herein shall be interpreted as requiring the repair, renovation, alteration or reconstruction of such building, except as provided at N.J.A.C. 5:23-2.32, Unsafe Structures.

(g) The relationship of this subcode to other codes, rules, and ordinances shall be as follows:

1. It is the intent of this subcode to provide a uniform, Statewide, harmonious system of rehabilitation regulations applicable to all existing buildings and structures in the State. No code, ordinance, rule, regulation of any municipality, county, board, department, commission or agency thereof, shall establish any requirement for any matter covered by this subcode.

2. It is the intent of this subcode to establish requirements for reconstruction projects which are at least as stringent as the requirements applicable to that area under the Uniform Fire Code (N.J.A.C. 5:18), the Regulations for Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10) and the New Jersey State Housing Code

(N.J.A.C. 5:28). This subcode shall not be interpreted as establishing requirements less stringent than these codes.

3. Certificates of occupancy issued for projects in compliance with the requirements of this subcode are specific to the work undertaken and shall not obviate the need for the building to be brought into compliance with the requirements of N.J.A.C. 5:18-4.

i. Notwithstanding (g)3 above, a variation issued in writing pursuant to the UCC in connection with a rehabilitation project shall remain in force and effect provided that all of the conditions of the variation continue to be met and shall be accepted for purposes of establishing compliance with N.J.A.C. 5:23-4 for the portion of the building to which the variation applies.

4. This subcode is not intended to establish minimum standards of habitability for housing. No provision of any State or municipal housing code or the equivalent which establishes minimum standards for natural light, natural ventilation, minimum habitable floor area per occupant, or requirements for heat shall be deemed to be affected or superseded by this subchapter.

5. Where work is proposed to an existing commercial farm building or where the use of a building is changed to a commercial farm building, the building shall be permitted to comply with the requirements of N.J.A.C. 5:23-3.2(d). For items not specifically covered by N.J.A.C. 5:23-3.2(d), the project shall comply with the requirements of this subchapter applicable to Use Group S-2.

6. The repair, renovation, alteration, reconstruction or change of use of health care facilities shall be in accordance with this code and with the "Guidelines for Construction and Equipment of Hospital and Medical Facilities," 1992-93 edition or current edition (American Institute of Architects Committee on Architecture for Health). In the event of any conflict, the more restrictive code provision shall govern.

(h) Correction of Violations of Other Codes: Alterations or renovations mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance, adopted pursuant to law, shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to this subchapter unless the code requiring such alterations so provides.

(i) Variations: Building owners wishing to use an alternative to compliance with specific provisions of this subcode shall submit request(s) for variations in writing in accordance with N.J.A.C. 5:23-2.10. For variation requests involving fire safety, the construction official shall consult with the fire official. If the fire official is also licensed as a fire subcode official under the Uniform Construction Code, then the approval of the fire official shall be required on such variation requests.

(j) Asbestos hazard abatement projects and lead hazard abatement projects shall not be categorized as reconstruction projects in and of themselves despite the fact that occupancy of the work area is not permitted. However, all related construction work undertaken in connection with such projects and all replacement materials used shall comply with the applicable provisions of this subcode.

5:23-6.3 Definitions

The words and terms used in this subcode shall have the following meanings unless the context clearly indicates otherwise. Any term not defined herein which is defined in any of the other subcodes of the Uniform Construction Code shall have the meaning as defined in that subcode. Where a term is defined in this subcode and is also defined in another subcode, then the term shall have the meaning as defined herein wherever it is used in this subcode.

"Addition" means an increase in the footprint area of a building or an increase in the height and the number of stories of a building.

"Alteration" means the rearrangement of any space by the construction of walls or partitions or by a change in ceiling height, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional equipment or fixtures and any work which reduces the loadbearing capacity of or which imposes additional loads on a primary structural component.

"Change of use" means a change from one use to another use in a building or tenancy or portion thereof.

"Equipment" or "fixture" means plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire protection equipment, elevators devices, boilers, pressure vessels and other mechanical facilities or installations, which are related to building services and shall not include manufacturing, production or process equipment, but which shall include any connections from building services to process equipment.

"Load bearing element" means any column, beam, joist, girder, wall, floor or roof sheathing which supports any load in addition to its own weight.

"New building element" means any one of the elements listed in N.J.A.C. 5:23-6.9 that did not exist previously.

"Primary function space" means a room or space housing a major activity for which the building or tenancy is intended including, but not limited to, office area, auditorium, assembly space, dining room, bar or lounge, warehouse, factory, dwelling, care, confinement, retail, and educational spaces, but not including kitchens, bathrooms, storage rooms or other spaces supporting a primary function space; a building or tenancy may contain more than one primary function space.

"Primary structural component" means any component of the primary load bearing structure of a building including footings, piles, foundations, columns, girders, beams, joists, wind or seismic bracing but not including, for the purposes of this subcode, sheathing or subflooring.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied. Reconstruction may include repair, renovation, alteration or any combination thereof. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure.

"Renovation" means the removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation shall include the replacement of equipment or fixtures.

"Repair" means the restoration to a good or sound condition of materials, systems and/or components that are worn, deteriorated or broken using materials or components identical to or closely similar to the existing.

"System" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building including any equipment, fixtures, connections, conduits, wires, pipes, ducts, as well as any associated sensors, controls, distribution or safety elements.

"Technically infeasible" means, in connection with accessibility requirements, a change that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a loadbearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

"Tenancy" means an entire building or that portion of a building or story which is or is intended to be under the control of a single owner or tenant.

"Use" means that portion of a building or tenancy which is devoted to a single use group or special use or occupancy as defined in the building subcode or as established by the provisions of any other subcode for the purpose of specifying

ing special requirements applicable to that portion of a building or tenancy.

"Use Group" means the use group classification of the building subcode.

"Work area" means any entire use, primary function space, or tenancy comprising all or part of a reconstruction project as delineated on the approved permit application and/or plans.

5:23-6.4 Repairs

(a) Repairs, as defined in N.J.A.C. 5:23-6.3, shall comply with the requirements of this section. There is no limit to the amount of repair work which may be undertaken.

1. The following work shall be considered renovation, alteration, or reconstruction, as appropriate, and not repair work:

i. The cutting away of any wall, partition, or portion thereof;

ii. The permanent, partial or complete removal of any primary structural component;

iii. The removal or rearrangement of any part of a required means of egress; and

iv. Addition to, alteration or relocation of:

(1) Any fire protection system piping;

(2) Water supply, sewer, drainage, gas, oil, waste, vent, or similar piping;

(3) Electrical wiring, other than wiring for a low voltage communication system in a one or two family dwelling;

(4) Mechanical system components such as ductwork; or

(5) Elevator devices.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower.

1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1606 of the building subcode and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)

i. For wood frame construction, deflection shall not exceed L/180 for roofs with a slope of 3 in 12 or less or

L/120 for roofs with a slope of greater than 3 in 12 and for floors.

ii. For steel frame construction, deflection shall not exceed L/240 for roofs with a slope of 3 in 12 or less or L/180 for roofs with a slope of greater than 3 in 12 and for floors.

iii. For concrete construction, deflection shall not exceed L/180 for roofs or L/240 for floors.

2. Existing fire alarm, fire suppression and standpipe systems shall not be removed without replacement and shall be maintained in operating condition. (Fire)

3. No work shall be undertaken that diminishes accessibility below that which is required by N.J.A.C. 5:23-7, Barrier Free Subcode. (Building)

(d) The following products and practices shall not be used:

1. Wood paneling being used as an interior finish not in conformance with Table 2 of N.J.A.C. 5:23-6.11 of this subcode; (Building)

2. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 C.F.R. 1630);

3. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electrical Code (sections 90-7, 110-2, 110-3, and 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/ NRTL), etc.; and (Electrical)

4. Plumbing materials and supplies:

i. All purpose solvent cement;

ii. Clear PB (polybutylene) piping;

iii. Flexible traps and tailpieces;

iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and

v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems. (Plumbing)

(e) The following products and practices shall be required, when applicable:

1. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2405.2 of the building subcode. (Building)

2. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 210-7(d) of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240-51(b) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the grounding conductor of a grounding type receptacle outlet shall be permitted, in accordance with Section 250-50 of the electrical subcode, to be grounded to any accessible point on the grounding electrode system as described in Section 250-81 of the electrical subcode, or to any accessible point on the grounding electrode conductor;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Use Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250-60 of the electrical subcode are met.

3. When door hardware is replaced in buildings required by the barrier free subcode to be accessible, replacement hardware shall comply with CABO/ANSI A117.1-1992 Section 4.13.9. (Building)

4. Replacement handrails and guardrails shall comply with Sections 1022.0 and 1021.0 of the building subcode, respectively. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

(f) In accordance with N.J.S.A. 52:27D-198.1 et seq., in buildings of Use Groups R-3 and R-4 and in dwelling units of Use Group R-2, smoke detectors shall be installed and maintained in each story within the dwelling unit, including basements. Battery-operated units shall be permitted. (Fire)

5:23-6.5 Renovations

(a) Renovations, as defined in N.J.A.C. 5:23-6.3, shall comply with the requirements of this section.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1606 of the building subcode and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)

i. For wood frame construction, deflection shall not exceed $L/180$ for roofs with a slope of 3 in 12 or less or $L/120$ for roofs with a slope of greater than 3 in 12 and for floors.

ii. For steel frame construction, deflection shall not exceed $L/240$ for roofs with a slope of 3 in 12 or less or $L/180$ for roofs with a slope of greater than 3 in 12 and for floors.

iii. For concrete construction, deflection shall not exceed $L/180$ for roofs or $L/240$ for floors.

2. Existing fire alarm, fire suppression and standpipe systems shall not be removed without replacement and shall be maintained in operating condition. (Fire)

3. No work shall be undertaken that diminishes accessibility below that which is required by N.J.A.C. 5:23-7, Barrier Free Subcode. (Building)

(d) The following products and practices shall not be used:

1. Wood paneling being used as an interior finish not in conformance with Table 2 of N.J.A.C. 5:23-6.11 of this subcode; (Building)

2. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 C.F.R. 1630);

3. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electrical Code (sections 90-7, 110-2, 110-3, and 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories, Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/ NRTL), etc.; and (Electrical)

4. Plumbing materials and supplies:

i. All purpose solvent cement;

ii. Clear PB (polybutylene) piping;

iii. Flexible traps and tailpieces;

iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and

v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems. (Plumbing)

(e) The following products and practices shall be required, when applicable:

1. When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required at N.J.A.C. 5:23-3.15(b)9i. (Plumbing)

2. In buildings required by the barrier free subcode to be accessible, when bathrooms or toilet rooms are renovated, the following requirements for providing accessibility shall apply unless the requirements of the barrier free subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with CABO/ANSI A117.1-1992 Section 4.18 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with CABO/ANSI A117.1-1992 Sections 4.16 through 4.22, as applicable, for nonresidential buildings or Section 4.33 for residential buildings required by the barrier free subcode to be accessible. (Plumbing)

iii. Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible. (Building)

3. Replacement doors shall comply with the following: (Building)

i. When replacement doors are installed in buildings required by the barrier free subcode to be accessible, replacement hardware shall comply with CABO/ANSI A117.1-1992 Section 4.13.9.

ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Use Groups I-1, R-1 or R-2 shall be $1\frac{3}{4}$ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames.

(1) In all use groups other than H, $1\frac{3}{4}$ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a $1\frac{3}{4}$ inch door.

4. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2405.2 of the building subcode. (Building)

5. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

6. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with listed, like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 210-7(d) of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240-51(b) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the grounding conductor of a grounding type receptacle outlet shall be permitted, in accordance with Section 250-50 of the electrical subcode, to be grounded to any accessible point on the grounding electrode system as described in Section 250-81 of the electrical subcode, or to any accessible point on the grounding electrode conductor;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Use Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250-60 of the electrical subcode are met.

(f) In accordance with N.J.S.A. 52:27D-198.1 et seq., in buildings of Use Groups R-3 and R-4 and in dwelling units of Use Group R-2, smoke detectors shall be installed and maintained in each story within the dwelling unit, including basements. Battery-operated units shall be permitted. (Fire)

(g) All materials and methods used shall comply with the building, plumbing, fire protection, mechanical, electrical and barrier free subcodes as specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Use Groups R or I-1, where the size of window openings is being changed, at least one window shall:

(1) Be operable;

(2) Have a sill height of not more than 44 inches;

(3) Have a width of at least 20 inches, a height of at least 24 inches and a minimum of total area of 5.7 square feet measured from head to sill and from side to side.

(4) New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system.

ii. Basement windows in buildings of Use Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(a)3 where the window serves as the second means of egress from the dwelling unit.

2. Replacement handrails and guardrails shall comply with Sections 1022.0 and 1021.0 of the building subcode, respectively. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

5:23-6.6 Alterations

(a) Alterations, as defined in N.J.A.C. 5:23-6.3, shall comply with the requirements of this section.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1606 of the building subcode and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)

i. For wood frame construction, deflection shall not exceed $L/180$ for roofs with a slope of 3 in 12 or less or $L/120$ for roofs with a slope of greater than 3 in 12 and for floors.

ii. For steel frame construction, deflection shall not exceed $L/240$ for roofs with a slope of 3 in 12 or less or $L/180$ for roofs with a slope of greater than 3 in 12 and for floors.

iii. For concrete construction, deflection shall not exceed $L/180$ for roofs or $L/240$ for floors.

2. Existing fire alarm, fire suppression and standpipe systems shall not be removed without replacement and shall be maintained in operating condition. (Fire)

3. No work shall be undertaken that diminishes accessibility below that which is required by the Barrier Free Subcode of the Uniform Construction Code. (Building)

(d) The following products and practices shall not be used:

1. Wood paneling being used as an interior finish not in conformance with Table 2 of N.J.A.C. 5:23-6.11 of this subcode; (Building)

2. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 C.F.R. 1630);

3. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electrical Code (sections 90-7, 110-2, 110-3, and 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories, Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/ NRTL), etc.; and (Electrical)

4. Plumbing materials and supplies:

i. All purpose solvent cement;

ii. Clear PB (polybutylene) piping;

iii. Flexible traps and tailpieces;

iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and

v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems. (Plumbing)

(e) The following products and practices shall be required, when applicable:

1. When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required at N.J.A.C. 5:23-3.15(b)9i. (Plumbing)

2. In buildings required by the barrier free subcode to be accessible, when bathrooms or toilet rooms are altered, the following requirements for providing accessibility shall apply unless the requirements of the barrier free subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with CABO/ANSI A117.1-1992 Section 4.18 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with CABO/ANSI A117.1-1992 Sections 4.16 through 4.22, as applicable, for nonresidential buildings or Section 4.33 for residential buildings required by the barrier free subcode to be accessible. (Plumbing)

iii. When space is reconfigured, the altered space shall comply with the barrier free subcode, N.J.A.C. 5:23-7.

(1) Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible.

(2) Where full compliance is technically infeasible, a single fixture unisex accessible bathroom shall be permitted. (Building)

(3) Where it is technically infeasible to gain compliance within an altered bathroom, signage to the closest accessible bathroom (if any) shall be provided at the altered bathroom. (Building)

3. Replacement or new doors shall comply with the following: (Building)

i. In buildings required by the barrier free subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with CABO/ANSI A117.1-1992 Section 4.13.

(1) If the door being added, enlarged or replaced is a building entrance and at least 50 percent of the entrance doors are accessible, then the door being added, enlarged or replaced is not required to comply with CABO/ANSI A117.1-1992 Section 4.13.

ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Use Groups I-1, R-1 or R-2 shall be $1\frac{3}{4}$ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames.

(1) In all use groups other than H, $1\frac{3}{4}$ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a $1\frac{3}{4}$ inch door.

4. In buildings required by the barrier free subcode to be accessible, when entrance steps are being replaced, an accessible entrance shall be provided if this does not add more than 20 percent to the cost of replacing the steps. (Building)

i. If at least 50 percent of the other building entrances are accessible, then the installation of a ramp shall not be required.

5. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted by N.J.A.C. 5:23-7.1. (Building)

6. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2405.2 of the building subcode. (Building)

7. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

8. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 210-7(d) of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240-51(b) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the grounding conductor of a grounding type receptacle outlet shall be permitted, in accordance with Section 250-50 of the electrical subcode, to be grounded to any accessible point on the grounding electrode system as described in Section 250-81 of the electrical subcode, or to any accessible point on the grounding electrode conductor;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Use Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250-60 of the electrical subcode are met.

9. In buildings of Use Groups R-3 and R-4 and in dwelling units of Use Group R-2, when the work being performed creates a bedroom, a hard-wired smoke detector shall be installed within each new bedroom and a second, hard-wired smoke detector shall be installed in the immediate vicinity of the bedroom in accordance with NFPA 72. (Fire)

10. In buildings of Use Group R-1, in at least one sleeping room or suite of every 25 or fewer that are part of the scope of work, the work being performed shall comply with the applicable provisions of CABO/ANSI A117.1 unless the facility already provides the number of accessible sleeping rooms required by the barrier free subcode. In addition, at least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be equipped with a visual alarm and notification device for the hearing impaired unless the facility already provides the number required by the barrier free subcode. (Building)

11. In buildings of Use Groups R-1 and R-2, when habitable space is created in previously unoccupied space, the minimum clear ceiling height shall be seven feet. For rooms with a sloped ceiling, the minimum clear ceiling height shall be seven feet for at least 35 square feet of the floor area of the room. Any portion of the room measuring less than five feet from the finished floor to the finished ceiling shall not be considered usable floor area.

(f) In accordance with N.J.S.A. 52:27D-198.1 et seq., in buildings of Use Groups R-3 and R-4 and in dwelling units of Use Group R-2, smoke detectors shall be installed and maintained in each story within the dwelling unit, including basements. Battery-operated units shall be permitted. (Fire)

(g) The work shall not make the building less conforming with the basic requirements of this subchapter than it was when the alteration was undertaken.

1. Where the building currently exceeds the basic requirements, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the corresponding subcode of the UCC. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the corresponding subcode of the UCC.

(h) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Use Groups R or I-1, where new window openings are being created or the size of window openings is being changed, at least one window shall:

(1) Be operable;

(2) Have a sill height of not more than 44 inches;

(3) Have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

(4) New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system.

ii. Basement windows in buildings of Use Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(a)3 where the window serves as the second means of egress from the dwelling unit.

2. Replacement handrails and guardrails shall comply with Sections 1022.0 and 1021.0 of the building subcode, respectively. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

(i) All new building elements, as listed in N.J.A.C. 5:23-6.9, shall comply with the requirements of that section.

(j) In a building required by the barrier free subcode to be accessible, where the space altered is a primary function space, an accessible path of travel to the altered space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall alteration project; a cost is disproportionate if it exceeds 20 percent of the cost of the alteration work. (Building)

1. The accessible path of travel shall include, but not be limited to, an accessible parking space, an accessible exterior route, an accessible building entrance, an accessible interior route to the altered area, accessible restrooms, accessible drinking fountains, and accessible telephones serving the altered primary function space. Priority shall be given to providing an accessible entrance or accessible restrooms where possible.

2. In determining disproportionate cost, the following materials may be deducted from the overall cost of the project:

i. Windows, hardware, operating controls, electrical outlets and signage;

ii. Mechanical systems, electrical systems, installations or alterations of fire protection systems or abatement of hazardous materials; or

iii. The repair or installation of roofing, siding, or other exterior wall facade.

3. Where the work consists solely of the alteration of materials or systems listed in (i)2 above, the path of travel requirements shall not apply.

4. Where the alteration work is for the primary purpose of increasing the accessibility of the building or tenancy, the requirement to further improve the path of travel shall not apply.

5. Where it is technically infeasible to comply with the technical standards in the barrier free subcode, the work must comply to the maximum extent feasible.

5:23-6.7 Reconstruction

(a) Reconstruction, as defined in N.J.A.C. 5:23-6.3, shall comply with the requirements of this section.

1. If a project is less than the entire use, primary function space or tenancy by a de minimis amount, the construction official may designate the project a reconstruction project and require that the requirements of this section be met.

2. If work performed or to be performed in phases is so extensive that the project would require a new certificate of occupancy if the work were performed at one time, the construction official may designate the project a reconstruction project and require that the requirements of this section be met.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1606 of the building subcode and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)

i. For wood frame construction, deflection shall not exceed $L/180$ for roofs with a slope of 3 in 12 or less or $L/120$ for roofs with a slope of greater than 3 in 12 and for floors.

ii. For steel frame construction, deflection shall not exceed $L/240$ for roofs with a slope of 3 in 12 or less or

L/180 for roofs with a slope of greater than 3 in 12 and for floors.

iii. For concrete construction, deflection shall not exceed L/180 for roofs or L/240 for floors.

2. Existing fire alarm, fire suppression and standpipe systems shall not be removed without replacement and shall be maintained in operating condition. (Fire)

3. No work shall be undertaken that diminishes accessibility below that which is required by the Barrier Free Subcode of the Uniform Construction Code. (Building)

(d) The following products and practices shall not be used:

1. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 C.F.R. 1630);

2. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electric Code (sections 90-7, 110-2, 110-3, and 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/ Nationally Recognized Testing Laboratory (CSA/NRTL), etc.; and (Electrical)

3. Plumbing materials and supplies:

i. All purpose solvent cement;

ii. Clear PB (polybutylene) piping;

iii. Flexible traps and tailpieces;

iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and

v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems. (Plumbing)

(e) The following products and practices shall be required, when applicable:

1. When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required at N.J.A.C. 5:23-3.15(b)9i. (Plumbing)

2. In buildings required by the barrier free subcode to be accessible, when bathrooms or toilet rooms are reconstructed, the following requirements for providing accessibility shall apply unless the requirements of the barrier free subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with CABO/ANSI A117.1-1992 Section 4.18 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with CABO/ANSI A117.1-1992 Sections 4.16 through 4.22, as applicable, for nonresidential buildings or Section 4.33 for residential buildings required by the barrier free subcode to be accessible. (Plumbing)

iii. When space is reconfigured, the space shall comply with the barrier free subcode, N.J.A.C. 5:23-7.

(1) Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible.

(2) Where full compliance is technically infeasible, a single fixture unisex accessible bathroom shall be permitted. (Building)

(3) Where it is technically infeasible to gain compliance within a reconstructed bathroom, signage to the closest accessible bathroom (if any) shall be provided at the reconstructed bathroom. (Building)

3. Replacement or new doors shall comply with the following: (Building)

i. In buildings required by the barrier free subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with CABO/ANSI A117.1-1992 Section 4.13.

(1) If the door being added, enlarged or replaced is a building entrance and at least 50 percent of the entrance doors are accessible, then the door being added, enlarged or replaced is not required to be accessible.

ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Use Groups I-1, R-1 or R-2 shall be 1¾ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames.

(1) In all use groups other than H, 1¾ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1¾ inch door.

4. In buildings required by the barrier free subcode to be accessible, when entrance steps are being replaced, a ramp shall be installed provided that the installation of a ramp does not add more than 20 percent to the cost of replacing the steps. (Building)

i. If at least 50 percent of the other building entrances are accessible, then the installation of a ramp shall not be required.

5. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted by N.J.A.C. 5:23-7.1. (Building)

6. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2405.2 of the building subcode. (Building)

7. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

8. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 210-7(d) of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240-51(b) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the grounding conductor of a grounding type receptacle outlet shall be permitted, in accordance with Section 250-50 of the electrical subcode, to be grounded to any accessible point on the grounding electrode system as described in Section 250-81 of the electrical subcode, or to any accessible point on the grounding electrode conductor;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Use Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250-60 of the electrical subcode are met.

9. In buildings of Use Groups R-1 and R-2, when habitable space is created in previously unoccupied space, the minimum clear ceiling height shall be seven feet.

(f) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. For repair work undertaken as part of a reconstruction project, materials like those existing may be used. There is no limit to the amount of repair work which may be undertaken.

2. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Use Groups R or I-1, where new window openings are being created or the size of window openings is being changed, at least one window shall:

(1) Be operable;

(2) Have a sill height of not more than 44 inches;

(3) Have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

(4) New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system.

ii. Basement windows in buildings of Use Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(a)3 where the window serves as the second means of egress from the dwelling unit.

3. Replacement handrails and guardrails shall comply with Sections 1022.0 and 1021.0 of the building subcode, respectively. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

(g) All new building elements, as listed in N.J.A.C. 5:23-6.9, shall comply with the requirements of that section.

(h) The basic requirements of this subchapter for the applicable use group shall be met within the work area(s). Attendant work outside the work area(s) shall not make the building less conforming with the basic requirements than it was when the reconstruction was undertaken.

1. Where the building currently exceeds the basic requirements, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the corresponding subcode of the UCC. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the corresponding subcode of the UCC. Existing fire alarm, fire suppression and standpipe systems shall not be removed

without replacement and shall be maintained in operating condition.

(i) The supplemental requirements of this subchapter for the applicable use group shall be met whenever the extent of the work is such that the trigger accompanying each requirement is met or exceeded.

(j) In a building required by the barrier free subcode to be accessible, where the space reconstructed is a primary function space, an accessible path of travel to the space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall project; a cost is disproportionate if it exceeds 20 percent of the cost of the work. (Building)

1. The accessible path of travel shall include, but not be limited to, an accessible parking space, an accessible exterior route, an accessible building entrance, an accessible interior route to the reconstructed area, accessible restrooms, accessible drinking fountains, and accessible telephones serving the reconstructed primary function space. Priority shall be given to providing an accessible entrance or accessible restrooms where possible.

2. In determining disproportionate cost, the following materials may be deducted from the overall cost of the project:

i. Windows, hardware, operating controls, electrical outlets and signage;

ii. Mechanical systems, electrical systems, installations or alterations of fire protection systems or abatement of hazardous materials; or

iii. The repair or installation of roofing, siding, or other exterior wall facade.

3. Where the work consists solely of the reconstruction of materials or systems listed in (j)2 above, the path of travel requirements shall not apply.

4. Where the work is for the primary purpose of increasing the accessibility of the building or tenancy, the requirement to further improve the path of travel shall not apply.

5. Where it is technically infeasible to comply with the technical standards of CABO/ANSI A117.1, the work must comply to the maximum extent feasible.

5:23-6.8 Materials and methods

(a) The following requirements shall be met for materials and installation methods for all items that are part of the applicant's proposed project for all categories of work other than repair as defined in N.J.A.C. 5:23-6.3.

1. Where sections listed below reference other sections not listed below, those sections shall apply within that limited context.

(b) Building and Fire Protection Materials and Methods: The following sections of the building subcode (N.J.A.C. 5:23-3.14) shall constitute the building materials and methods requirements for this subchapter:

1. Section 505.0 of Chapter 5 entitled "General Building Limitations" shall apply to newly-constructed "Mezzanines."

2. The following sections of Chapter 7 entitled "Fire-resistant Materials and Construction":

i. Subsections 704.1.1, 704.2, 704.3, 704.4.

ii. Subsections 705.1.2, 705.2.1, 705.2.2, 705.7.

(1) Subsection 705.1.1 shall apply to the removal of an exterior wall.

iii. Subsections 707.1.1, 707.1.2.

iv. Section 708.0.

v. Subsections 709.3, 709.5, 709.6, 709.7.

vi. Subsections 711.3, 711.6, 711.7.

vii. Subsections 713.4, 713.5.

viii. Section 714.0.

ix. Subsections 717.2, 717.3, 717.4.

x. Subsections 718.1, 718.3.

xi. Subsections 719.1, 719.5.

xii. Subsection 720.1.

xiii. Subsections 721.2, 721.3, 721.4.

xiv. Subsections 722.2, 722.4, 722.5.

xv. Subsections 723.1, 723.2, 723.3, 723.4, 723.5.

3. All of Chapter 8 entitled "Interior Finishes" except 801.1, 802.0, 806.0.

4. All of Chapter 9 entitled "Fire Protection Systems" except 901.0, 902.0, 903.0, 904.0, 915.2, 916.2, 918.4, 919.4, 920.3, 921.2, 922.0, 923.0, 924.0.

5. The following sections of Chapter 10 entitled "Means of Egress":

i. Subsection 1017.4.1.

ii. Subsection 1017.4.4.

iii. Section 1021.0 "Guards."

iv. Section 1022.0 "Handrails."

6. All of Chapter 12 entitled "Interior Environment" except 1201.0, 1202.0, 1203.0, 1204.0, 1205.0, 1206.0, 1207.0, 1208.0, 1209.0, 1211.0, 1212.0, 1213.0, 1214.0.

7. All of Chapter 14 entitled "Exterior Wall Covering" except 1401.0, 1402.0, 1403.0.

8. All of Chapter 15 entitled "Roofs and Roof Structures" except 1501.0, 1502.0, 1503.0.

9. All of Chapter 16 entitled "Structural Loads" except 1601.0, 1603.0, 1610.0, 1611.0, 1614.0 shall apply to new or replaced structural members. The referenced sections of Chapter 16 shall not be used to analyze any existing structural members, except as otherwise provided by this subcode.

10. All of Chapter 18 entitled "Foundation and Retaining Walls" except 1801.0, 1802.0, 1803.0, 1804.0, 1805.0, 1806.0, 1807.0, 1813.0, 1825.0.

i. Additionally, the following subsections of section 1813.0 shall be included as part of the Materials and Methods requirements: 1813.3.1, 1813.3.2, 1813.4.1, 1813.4.2, 1813.4.3, 1813.5.1, 1813.5.2, 1813.5.3.

11. All of Chapter 19 entitled "Concrete" except 1901.0, 1902.0, 1903.0, 1904.0, 1905.0:

i. Subsection 1905.1 shall apply to newly-constructed concrete slabs.

12. All of Chapter 20 entitled "Lightweight Metals" except 2001.0.

13. All of Chapter 21 entitled "Masonry" except 2101.0, 2102.0, 2103.0, 2105.0, 2106.0, 2107.0, 2108.0.

14. All of Chapter 22 entitled "Steel" except 2201.0, 2202.0, 2203.0, 2204.0, 2206.3, 2207.0.

15. All of Chapter 23 entitled "Wood" except 2301.0, 2302.0, 2303.0, 2306.0, 2305.7, 2305.8, 2311.1, 2311.4, 2311.5, 2311.6, 2311.7:

i. Subsections 2311.1, 2311.5, 2311.6, 2311.7 shall apply to completely replaced or newly-constructed balconies, decks or porches.

16. All of Chapter 24 entitled "Glass and Glazing" except 2401.0.

17. All of Chapter 25 entitled "Gypsum Board and Plaster" except 2501.0, 2502.0.

18. All of Chapter 26 entitled "Plastic" except 2601.0, 2602.0, 2609.0:

i. Section 2609.0 shall apply to newly-installed "Light Transmitting Plastic Interior Signs."

19. All of Chapter 28 entitled "Mechanical Systems" except 2801.0, 2802.0, 2803.0, 2804.0, 2809.0.

20. For the applicability of Chapter 30 entitled "Elevators and Conveying Systems," refer to 6.8(g), Elevator Devices.

21. All of Chapter 31 entitled "Special Construction" except 3101.0, 3102.0, 3103.0, 3104.0, 3106.0, 3108.0, 3109.0, 3110.0:

i. Section 3102.0 shall apply to newly-installed "Signs"; and

ii. Section 3109.0 shall apply to newly-installed "Radio and Television Antennas."

22. All of Chapter 32 entitled "Construction in the Public Right-of-Way" except 3201.0, 3203.0.

23. All of Chapter 33 entitled "Site Work, Demolition and Construction" except 3301.0, 3302.0.

24. FTO-3 of the Uniform Construction Code entitled "Fire Escapes."

(c) Plumbing Materials and Methods: The following sections of the plumbing subcode (N.J.A.C. 5:23-3.15) shall constitute the plumbing materials and methods requirements for this subchapter:

1. All of Chapter 2 entitled "General Regulations" except 2.19 and 2.24:

i. Section 2.19 for mandatory connections to the public water supply and sewer shall apply when existing septic or water supply facilities are no longer suitable for use as determined by the local health inspector, and public facilities are available within the meaning of 2.19.

2. All of Chapter 3 entitled "Materials."

3. All of Chapter 4 entitled "Joints and Connections."

4. All of Chapter 5, entitled "Traps and Cleanouts."

5. Chapter 6, entitled "Interceptors" except sections 6.1.1, 6.1.7, 6.3.1 and 6.4.1:

i. Section 6.1.1, 6.3.1, 6.4.1 for when interceptors are required shall not apply. However, when new fixtures, or devices are installed that will produce wastes that need to be separated, an interceptor shall be required.

6. Chapter 7, entitled "Plumbing Fixtures, Fixture Fittings and Plumbing Appliances" except section 7.24 and Table 7.21.1.

7. Chapter 8 entitled "Hangers and Supports."

8. Chapter 9 entitled "Indirect Wastes Piping and Special Waste."

9. Chapter 10 entitled "Water Supply and Distribution" except for sections 10.3, 10.6.5, 10.8.1, and 10.14:

i. Water shall be supplied so that fixtures within a building are provided with an adequate supply of water so that they are functional.

ii. Section 10.6.5 shall apply to all newly-installed or completely replaced water services.

iii. Section 10.8.1 shall apply, where there is not sufficient pressure for proper functioning of fixtures, a water pressure booster system shall be required.

iv. Section 10.14 for sizing water distribution systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required. All new

pipng associated with the installation of additional fixtures shall comply with the sizing requirements of Chapter 10.

10. All of Chapter 11, entitled "Sanitary Drainage Systems" except 11.2.2, 11.5 and 11.6:

i. Section 11.2.2 for sizing building sewers shall apply when the proposed work will impose additional loads on the sewer. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.

ii. Section 11.5 for sizing drainage systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required. All new piping associated with the installation of additional fixtures shall comply with the sizing requirements of 11.5.

iii. Section 11.6 for sizing offsets in drainage systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.

11. All of Chapter 12, entitled "Vents and Venting" except 12.3.1, 12.3.2 and 12.16:

i. Section 12.3.1 for locations where vent stacks are required shall apply where new stacks are being installed;

ii. Section 12.3.2 "Relief Vents for Stacks having Ten or More Branch Intervals" shall apply only when new stacks of ten or more branch intervals are being installed; and

iii. Section 12.16 for size and length of vents shall apply when new vents are being installed.

12. All of Chapter 13 entitled "Storm Water Drainage" except 13.1.1, 13.1.2, 13.1.6, 13.1.7, 13.1.10.1, 13.4.3, 13.6.1, 13.6.2:

i. Section 13.1.1 for where storm water drains are required shall apply only when new roofs, paved areas, yards, courts and courtyards are created.

ii. Section 13.1.2 "Storm Water Drainage to Sewer Prohibited" shall not be applied to existing connections to the sewer. This section shall only prohibit the connection of new storm water drains to a sanitary sewer that is prohibited from accepting such discharge.

iii. Section 13.1.6 "Areaway Drains" shall apply only to newly created, open, below grade areaways where storm water can accumulate.

iv. Section 13.1.7 "Window Well Drains" shall apply only to newly created window wells.

v. Section 13.1.10.1 for sizing roof drains, as amended in N.J.A.C. 5:23-3.15, shall apply only where additional roof area is to be drained or where other circumstances increase the load on existing roof drains.

vi. Section 13.4.3 "Combining Storm with Sanitary Drainage" shall not be applied to existing connections to the sewer. This section shall only require that newly installed sanitary and storm sewers be separate.

vii. Section 13.6.1 for sizing of "Vertical Conductors and Leaders" shall only apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.

viii. Section 13.6.2 "Size of Horizontal Storm Drain Piping" shall only apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the system, no increase in size shall be required.

13. All of Chapter 14 entitled "Medical Care Facility Plumbing Equipment."

14. All of Chapter 15 entitled "Tests and Maintenance."

15. Section 16.1.7 of Chapter 16 entitled "Septic Systems."

16. All of Chapter 18 entitled, "Mobile Homes & Travel Trailer Park Plumbing Standards."

(d) Electrical Materials and Methods: The following sections of the electrical subcode (N.J.A.C. 5:23-3.16) shall constitute the electrical materials and methods requirements for this subchapter:

1. Section 90-7, entitled "Examination of Equipment for Safety" of the Introduction, Article 90;

2. All of Chapter 1, entitled "General" except Section 110-8 Wiring Methods, 110-16 Working Space About Electrical Equipment (600 Volts, Nominal, or Less), 110-17 Guarding of Live Parts (600 Volts, Nominal, or Less), 110-32 Work Space about Equipment and 110-33 Entrance and Access to Work Space;

3. All of Chapter 2, entitled "Wiring and Protection" except Sections 210-52 Dwelling Unit Receptacle Outlets, 210-60 Guest Rooms, 210-62 Show Windows, 210-63 Heating, Air Conditioning, and Refrigeration Equipment Outlet, 210-70 Lighting Outlets Required, and 220-4 Branch Circuits Required;

4. All of Chapter 3, entitled "Wiring Methods" except Section 380-8 Accessibility and Grouping (switches), 384-4 Installation (switchboards and panelboards) and 384-8 clearances (switchboards and panelboards);

5. All of Chapter 4, entitled "Equipment for General Use;"

6. All of Chapter 5, entitled "Special Occupancies;"
7. All of Chapter 6, entitled "Special Equipment;"
8. All of Chapter 7, entitled "Special Conditions;" and
9. All of Chapter 8, entitled "Communication Systems."

10. Existing working clearances, clear space, access and entrance dimensions to working spaces, illumination, headroom clearances, and location of overcurrent protection devices shall be allowed to remain without modification.

(e) Mechanical Materials and Methods: The following sections of the mechanical subcode (N.J.A.C. 5:23-3.20) shall constitute the mechanical materials and methods requirements for this subchapter:

1. All of Chapter 3, entitled "Air Distribution Systems," except sections M-303.0, M-306.3, M-313.2 and M-314.0.

i. Section M-303.0 shall apply to newly-constructed plenums. Modifications to existing plenums, such as installation of new building, electrical or plumbing materials inside the plenum, increasing air flow rate within the plenum, etc. shall not require the plenum to comply with the construction requirements for new plenums. However, newly-installed materials within the plenum shall be consistent with material requirements of M-303.0.

2. All of Chapter 4, entitled "Mechanical Equipment," except sections M-405.2, M-405.6, M-408.1, M-409.2 and M-409.3.

3. All of Chapter 5, entitled "Kitchen Exhaust Equipment," except section M-508.1.

4. All of Chapter 6, entitled "Boilers and Water Heaters."

5. All of Chapter 7, entitled "Hydronic Piping."

6. All of Chapter 8, entitled "Gas Piping Systems," except section M-805.0.

i. Section M-805.0 sizing shall apply when the work being performed increases the load on the system such that the existing pipe does not meet the size required by code. Existing systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums.

7. All of Chapter 9, entitled "Flammable and Combustible Liquid Storage and Piping Systems."

8. All of Chapter 10, entitled "Combustion Air."

9. All of Chapter 11, entitled "Clearance Reduction."

10. All of Chapter 12, entitled "Chimneys and Vents."

11. All of Chapter 13, entitled "Mechanical Refrigeration."

12. All of Chapter 14, entitled "Fireplaces, Solid Fuel-Burning and Gas Accessory Appliances."

13. All of Chapter 15, entitled "Incinerators and Crematories."

14. All of Chapter 16, entitled "Ventilation Air," except sections M-1603.0, M-1604.0 and M-1605.0.

15. All of Chapter 18, entitled "Solar Heating and Cooling Systems."

16. Section M-2001.2 of Chapter 20, entitled "Boilers and Pressure Vessels, Maintenance and Inspection."

(f) Barrier Free Materials and Methods: The requirements of CABO/ANSI A117.1-1992 shall constitute the barrier free materials and methods requirements for this subchapter and shall apply to work projects in all buildings other than buildings of Use Group R-2, R-3 or R-4 containing fewer than four dwelling units or buildings of Use Group U.

1. Exception: Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible.

2. For toilet or bathing facilities, at least one of each type of fixture shall be accessible. Where six or more toilet stalls are provided, in addition to a wheelchair accessible stall, at least one ambulatory accessible stall shall be provided.

- i. Exception: Nonpublic toilet rooms for individual use may be adaptable.

3. Limited exceptions to the accessibility requirements for theatres and auditoriums are permitted as follows:

- i. Where fixed seating is provided and it is technically infeasible to provide integrated accessible seating, accessible seating may be clustered.

- ii. When a facility contains more than one performing area and it is technically infeasible to make all performing areas accessible, the provision of one accessible performing area shall be accepted as meeting the requirement for providing access to performing areas.

4. In buildings of Use Group M, where fitting room partitions are installed or moved, five percent of the fitting rooms, but not less than one, shall comply.

(g) Elevator Devices Materials and Methods: The following sections of the elevator subcode (N.J.A.C. 5:23-12) shall constitute the elevator device materials and methods requirements for this subchapter:

1. All of ASME A17.1-1993 Part XII except Section 1206.

2. The following sections of Chapter 30 of the building subcode: Section 3008.3 "Elevator Opening Protectives—Hardware" and Section 3010.3 "Conveyors—Machinery Guards."

3. The requirements of ASME A17.1-1993 Rule 102.2(c)4, when an automatic fire suppression system is provided in an elevator hoistway, machine room and/or machinery space.

5:23-6.9 New building elements

(a) Where the rehabilitation of an existing building creates or includes any new building element of a type listed in this section, then the new element shall comply with the requirements for such an element established by this section.

1. The installation of a floor system which did not previously exist shall be constructed utilizing the live load requirements as specified in section 1606.0 of the building subcode.

2. When the number of stories in a building is increased without increasing the height of the building, the building shall comply with the story requirements of Table 503 of the building subcode.

3. Newly created floor openings shall comply with the requirements of section 713.3 of the building subcode.

4. Newly created atriums shall comply with the requirements of section 404.0 of the building subcode.

5. Newly created door openings shall comply with section 1017.3 of the building subcode. Additionally, newly created door openings in walls which are fire-resistance rated shall comply with section 717.0 of the building subcode.

6. Newly created exit stairways shall comply with section 1014.0 of the building subcode.

7. Newly installed fire escapes shall be constructed in accordance with FTO-3 of the Uniform Construction Code. (Building)

8. Newly installed elevator devices (not replacing an existing device) and other newly installed (not replacement) equipment within the scope of Chapter 30 shall conform to the requirements of Chapter 30 of the building subcode.

9. Newly created corridors shall comply with sections 1011.1, 1011.2, 1011.4 of the building subcode.

10. Newly constructed mezzanines shall comply with section 505.0 of the building subcode.

11. Newly created covered mall buildings shall comply with section 402.0 of the building subcode.

12. Newly created motion picture projection rooms, screening rooms and sound stages shall comply with section 411.0 of the building subcode.

13. Newly created stages and platforms shall comply with section 412.0 of the building subcode.

14. Newly created spaces which are utilized for the application of flammable finishes shall comply with section 419.0 of the building subcode.

15. At least one newly created window opening in sleeping rooms below the fourth story in occupancies in Use Groups R or I-1 shall:

i. Be operable;

ii. Have a sill height of not more than 44 inches;

iii. Have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side. (Building)

iv. New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system.

v. Basement windows in buildings of Use Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(a)3 where the window serves as the second means of egress from the dwelling unit.

16. Newly created specific occupancy areas shall comply with the following:

i. Paint shops in other than Use Group F which contain chemicals below the exempt amount for Use Group H, waste and soiled linen collection rooms and chute termination rooms shall be separated from other portions of the building by a one hour fire partition or provided with an automatic fire suppression system.

ii. Incinerator rooms in all use groups shall be separated from other portions of the building by a two hour fire separation assembly and provided with an automatic fire suppression system.

iii. In Use Groups I-2 and I-3, physical plant maintenance shops, laundries in excess of 100 square feet in area and padded cells shall be separated from other portions of the building by a one hour fire partition or provided with an automatic fire suppression system. (Plan review—Building, Fire. Inspection—Fire)

17. Newly installed electrical service equipment, switchboards, panelboards, motor control centers and other electrical equipment containing overcurrent, switching or control devices likely to require examination, adjustment, servicing or maintenance while energized shall conform with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods, and, in addition, shall conform with Sections 110-16 (Working Space About Electrical Equipment—600 Volts, Nominal or Less), 110-17 (Guarding of Live Parts—600 Volts, Nominal or Less), 110-32 (Work Space About Equipment), 110-33 (Entrance and Access to Work Space), 380-8 (Accessibility and Grouping—Switches), 384-4 (Installation—Switchboards and Panelboards) and 384-8 (Clearances—Switchboards and Panelboards), as applicable, of the electrical subcode. (Electrical)

Administrative correction.
See: 30 N.J.R. 539(a).

5:23-6.10 Basic requirements and supplemental requirements—general

(a) The basic requirements, set forth in N.J.A.C. 5:23-6.11 for all use groups and for individual use groups in N.J.A.C. 5:23-6.12 through 6.28, shall be met within or with regard to the work area in all reconstruction projects. (These requirements are in addition to the requirements contained in the N.J.A.C. 5:23-6.8, Materials and methods.)

(b) The supplemental requirements, set forth in N.J.A.C. 5:23-6.11A for all use groups and for individual use groups in the N.J.A.C. 5:23-6.12A through 6.28A, shall be met in all buildings where there are reconstruction projects that meet or exceed the stated threshold for each requirement.

1. All reconstruction work begun within a single 12 month period shall be considered for determining the applicability of the supplemental requirement.

2. If a project falls under the threshold for a supplemental requirement by a de minimis amount, the construction official may require that the supplemental requirement be met.

(c) Reconstruction projects contained in mixed use buildings shall comply with the requirements of N.J.A.C. 5:23-6.29 as applicable.

(d) Special technical specifications for windowless stories, the supervision of automatic fire suppression systems, suppression system risers, acceptances of existing alarm and suppression systems, smoke barriers, elevators and specific occupancy areas are established in N.J.A.C. 5:23-6.30. The windowless story, supervision of automatic fire suppression systems and smoke barrier special technical requirements shall apply only in those uses where specified by this sub-code.

5:23-6.11 Basic requirements in all Use Groups

(a) This section shall apply within the work area for all reconstruction projects.

(b) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be sufficient for the maximum permitted occupant load of the work area and any adjacent spaces served by that means of egress as calculated on a per floor basis. Means of egress shall be measured in units of exit width of 22 inches.

1. The maximum permitted occupant load of a space shall be determined by the capacity of the means of egress serving the space as calculated in accordance with Table 1 below. Building owners shall have the option of establishing a reasonable restriction on the occupant load of the space based on the existing capacity of the means of egress or of providing additional egress capacity. (Plan review—Building, Fire. Inspection—Building)

Table 1

CAPACITY PER UNIT EGRESS WIDTH

Use Group	Without fire suppression system Number of occupants		With fire suppression system Number of occupants	
	Stairways	Doors, Ramps, and Corridors	Stairways	Doors, Ramps, and Corridors
A	75	100	113	150
B	60	100	90	150
E	75	100	113	150
F	60	100	90	150
H	—	—	60	100
I-1	60	100	90	100
I-2	22	30	35	45
I-3	60	100	90	150
M	60	100	90	150
R	75	100	113	150
S	60	100	90	150

Note: With the exception of Use Group A occupancies, the occupant load may be increased to the total number of occupants for which exit capacity is provided as determined by Table 1 above provided the resulting total occupant load shall not exceed one occupant per five square feet of net floor area over the entire use. Interpolation shall be allowed in determining capacity of egress width. Unit of egress width = 22 inches

(c) Interior Finishes: Interior finishes within work areas shall comply with the following:

1. Existing interior finishes of walls and ceilings shall have a flame spread rating not greater than the class prescribed by Table 2 below. All existing interior finish materials which do not comply with the requirements of this section shall be removed or shall be treated with an approved fire retardant coating in accordance with the manufacturer's instructions to secure compliance with the requirements of this section. Exceptions are allowed as follows:

i. The use of vinyl or paper wall coverings not exceeding 1/28th of an inch in thickness which is applied directly to a noncombustible or fire retardant treated wood substrate shall not be regulated by this section.

ii. Interior trim which does not exceed 10 percent of the aggregate wall and ceiling area of any room or space shall not be regulated by this section.

iii. When an approved automatic fire suppression system is provided, interior finish of Class II or III materials shall be permitted where Class I or II materials, respectively, are required by this section.

iv. Exposed portions of structural members complying with the requirements for heavy timber construction in accordance with the Uniform Construction Code shall not be regulated by this section. (Plan review—Building, Fire. Inspection—Building)

Table 2
Existing Interior Finish Requirements^a

Use Group	Exit	Exit Access	Rooms or
	Enclosures	Enclosures	Spaces
A ^b , E, I, R-1	I	II	III
All Other Use Groups	I	II	No Minimum

^aThe classification of interior finishes referred to herein corresponds to flame spread ratings determined by ASTM E84 as follows: Class I flame spread, 0-25; Class II flame spread, 26-75; Class III flame spread, 76-200. In all cases, the smoke developed rating determined by ASTM E84 shall not exceed 450.

^bSee Use Group A-3 for amusement buildings.

(d) Commercial cooking operations: An automatic fire suppression system shall be required for newly-installed commercial cooking equipment producing grease-laden vapors, except within individual dwelling units in multiple family dwellings in Use Group R-2. No suppression system shall be required for completely enclosed ovens, steam tables or similar equipment.

1. Exception: Bed and breakfast homestay facilities, which are designed to accommodate five or fewer guests, shall not be required to comply with this provision. (Fire)

5:23-6.11A Supplemental requirements in all Use Groups

- (a) This section shall apply to all reconstruction projects.

(b) Vertical Opening Protection: For purposes of applying the supplemental requirement for vertical opening protection below, a low hazard occupancy is an occupancy having contents of such low combustibility that no self-propagating fire can occur therein. A moderate hazard occupancy is an occupancy having contents that are likely to burn with moderate rapidity or to give off a considerable volume of smoke. (Plan review—Building, Fire. Inspection—Building)

(c) Windowless Stories: Any windowless basement or story located below the seventh story which is created by the work being performed or any existing windowless basement or story below the seventh story in which the work area exceeds 50 percent of the gross enclosed floor area of the windowless story, shall comply with the requirements listed in N.J.A.C. 5:23-6.30. (Fire)

(d) Underground Structures: When the work area exceeds 50 percent of the gross enclosed floor area of an underground structure, the entire structure shall comply with Section 405.0 of the building subcode.

5:23-6.12 Basic requirements—Use Group A-1

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building subcode in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building subcode in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The lighting of exits, aisles and auditoria shall be controlled from a location inaccessible to unauthorized persons. Supplementary controls shall be provided in the projection room. (Plan review—Building, Fire. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy

which is protected throughout by an automatic suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy ¹	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
1-50	Male	Female	1	1	1
51-100	1 Unisex	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area

being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.12A Supplemental requirements—Use Group A-1

(a) Automatic Fire Suppression System: An automatic fire suppression system shall be installed throughout the building when the work area is 12,000 square feet (gross enclosed floor area) or more. (Fire)

(b) Automatic Alarm System: When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

(c) Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minute fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic fire suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g) below. (Elevator)

5:23-6.13 Basic requirements—Use Group A-2

(a) Automatic Fire Suppression System: An automatic fire suppression system shall be required in buildings with an occupant load of 50 or more.

1. Exception: Suppression shall not be required for buildings with a permitted occupancy of fewer than 300

having all components of the required means of egress on the same level as the use and having all such exits discharging not more than five feet above, nor more than two feet below, the adjacent grade;

2. Exception: Suppression shall not be required for buildings with a permitted occupancy of fewer than 200 having no portion of the required means of egress located more than one level above, or more than two feet below, the adjacent grade. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware.

3. If there are more than two individual rooms which can be used for separate functions, each with an occupant load of more than 300, the required egress doors from such rooms shall lead directly outside or to an exit passageway. Exit passageways shall be completely enclosed by assemblies having a fire-resistance rating of at least two hours, shall lead directly outside and shall not be used for any other purpose unless a horizontal exit is provided in accordance with the building subcode. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length.

Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The lighting of exits, aisles and auditoria shall be controlled from a location inaccessible to unauthorized persons. Supplementary controls shall be provided in the projection room. (Plan review—Building, Fire. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic suppression system; and

(2) The lowest or next to the lowest level is a street floor; and

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants; and

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(k) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(l) **Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy ¹	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
1-25	Male	Female	1	0	0
26 and over	1 Unisex		Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.		

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(m) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing

rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(n) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(o) **Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.13A Supplemental requirements—Use Group A-2

(a) **Automatic Fire Suppression System:** When the work area is 5,000 square feet (gross enclosed floor area) or more, an automatic fire suppression system shall be installed throughout the floor on which the A-2 Use is located and on all floors below. If the A-2 Use is below grade, then an automatic fire suppression system shall be installed throughout the floor on which the A-2 Use is located and on all floor above up to and including the level of exit discharge. (Fire)

(b) **Automatic Alarm System:** When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

(c) **Manual Alarm System:** For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) **Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minute fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines;
or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic fire suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

5:23-6.14 Basic requirements—Use Group A-3

(a) Automatic Fire Suppression System: Fire suppression shall be required in spaces of Use Group A-3 greater than 12,000 square feet.

1. Exceptions: Suppression shall not be required if the space is divided into fire areas of not more than 12,000 square feet by a two hour fire separation with 1½ hour opening protectives or if the space is completely separated from any other uses by a two hour fire separation with 1½ hours opening protectives. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware.

3. If there are more than two individual rooms which can be used for separate functions, each with an occupant load of more than 300, the required egress doors from such rooms shall lead directly outside or to an exit passageway. Exit passageways shall be completely enclosed by assemblies having a fire-resistance rating of at least two hours, shall lead directly outside and shall not be used for any other purpose. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing

one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The lighting of exits, aisles and auditoria shall be controlled from a location inaccessible to unauthorized persons. Supplementary controls shall be provided in the projection room. (Plan review—Building, Fire. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at

least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(k) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(l) Plumbing Fixtures: The following apply to plumbing fixtures: (Plumbing)

1. For auditoriums, museums, libraries, and similar facilities, plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section.

Total Occupancy ^{1,2}	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
1-50	Male	Female	1	1	1
51-100	1 Unisex	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

2. For restaurants, plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section.

Total Occupancy ^{1,2}	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
1-25	Male	Female	1	0	0
26 and over	1 Unisex	1	1	0	0
	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

3. For recreational facilities, passenger terminals and other buildings of Use Group A-3, plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section.

(m) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(n) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(o) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.14A Supplemental requirements—Use Group A-3

(a) Automatic Fire Suppression System: For ballrooms, exhibit areas, and accessory spaces of Use Group A-3, an automatic fire suppression system shall be installed throughout the A-3 use when the work area is 12,000 square feet (gross enclosed floor area) or more. (Fire)

(b) Automatic Alarm System: When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

(c) Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minutes fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic fire suppression system; and

(2) The lowest or next to the lowest level is a street floor; and

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants; and

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system.) (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

(g) Amusement Buildings: When any reconstruction project is undertaken in a building or portion thereof designed to disorient the occupant, reduce vision, present barriers or otherwise impede the flow of traffic, the following requirements shall be met throughout the building or portion thereof that constitutes the amusement use.

1. Every such amusement facility shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

2. The interior finish of all walls and ceilings shall in no case be less than a Class II material in accordance with this subchapter.

3. Every such amusement facility shall be equipped with exit signs installed in accordance with this subchapter.

4. Every such amusement facility shall be equipped throughout with an approved automatic fire alarm system installed in accordance with the Uniform Construction Code and in accordance with (g)5 through 8 below.

5. The automatic alarm system shall activate a prerecorded message which can be clearly heard throughout the entire facility instructing the patrons to proceed to the nearest exit. Any alarm signals used in conjunction with the prerecorded message shall produce a signal which is distinctive from all sounds used in the normal operation of the amusement facility.

6. Every such amusement facility shall be equipped with emergency lighting equipment installed in accordance with the New Jersey Uniform Construction Code. The emergency lighting equipment shall automatically activate when:

- i. The fire suppression system is activated;
- ii. The fire alarm system is activated; or
- iii. Loss of the primary power supply occurs.

7. All audio and visual equipment such as horns, bells, flashing, or otherwise distracting stimuli and mechanized displays shall cease operation upon initiation of an alarm by the automatic fire alarm system or activation of the automatic fire suppression system.

8. Activation of the automatic alarm system shall automatically shut down the air distribution system. (Plan review—Building, Fire. Inspection—Building)

5:23-6.15 Basic requirements—Use Group A-4

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The lighting of exits, aisles and auditoria shall be controlled from a location inaccessible to unauthorized persons. Supplementary controls shall be provided in the projection room. (Plan review—Building, Fire. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used

under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy ¹	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
	Male	Female			
1-50	1 Unisex		1	1	1
51-100	1	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.15A Supplemental requirements—Use Group A-4

(a) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minute fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic fire suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another commu-

nicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(b) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped through-

out with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(c) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

5:23-6.16 Basic requirements—Use Group A-5

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The lighting of exits, aisles and auditoria shall be controlled from a location inaccessible to unauthorized persons. Supplementary controls shall be provided in the projection room. (Plan review—Building, Fire. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows. Stairways are not required to be enclosed where all portions of the means of egress are essentially open to the outside.

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required. Exceptions are as follows:

- i. When connecting the main floor and mezzanines;
or
- ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.16A Supplemental requirements—Use Group A-5

(a) Manual Alarm Systems: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(b) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minute fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic fire suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level.

4. Exception: Stairways are not required to be enclosed where all portions of the means of egress are essentially open to the outside. (Plan review—Building, Fire. Inspection—Building)

(c) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(d) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

5:23-6.17 Basic requirements—Use Group B

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

3. A single exit shall be permitted in buildings of not more than two stories in height, with not more than 3,000 square feet per floor when the exit access travel distance does not exceed 75 feet and a minimum fire resistance rating of one hour is provided for the exit enclosure and the opening protection. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss. (Plan review—Building, Fire. Inspection—Building)

(f) **Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) **Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) **Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) **Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required, with the following exception:

i. No vertical opening protection shall be required for vertical openings of up to three stories in buildings not exceeding 3,000 square feet per floor or in buildings with suppression throughout. (Plan review—Building, Fire. Inspection—Building)

(j) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) **Plumbing Fixtures:** Plumbing fixtures shall be provided as follows: Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy ^{1,2,3}	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Employees	1-15 16 and over	1 Unisex Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.	1 1	1 1	1 1
Customers	1-25 26 and over	1 Unisex Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.	1 1	1 1	1 1

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Customer and employee facilities may be satisfied with a single unisex toilet facility where the number of employees does not exceed 15 and where the total occupancy does not exceed 25 or where the occupied floor area does not exceed 1,500 square feet.

Note 3. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

(l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.17A Supplemental requirements—Use Group B

(a) Manual Alarm System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a fire alarm system shall be installed throughout the building.

1. Exception: Manual alarm systems are not required in buildings which do not have occupied floors which are two or more stories above the lowest level of exit discharge or floors two or more stories below the highest level of exit discharge. (Fire)

(b) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minute fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for buildings up to 3,000 square feet per floor or for buildings with an automatic fire suppression system throughout. (Plan review—Building, Fire. Inspection—Building)

(c) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65

psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

4. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, central control station and communication systems shall be provided as follows:

i. An approved public address communication system consisting of loudspeakers in each corridor and in each room and tenant space exceeding 1,000 square feet, each elevator and elevator lobby and in each stair enclosure which shall be capable of being operated from the central control station;

ii. A two-way fire department communication system which shall operate between the central control and every elevator, elevator lobby and entry to enclosed exit stairways;

iii. A central control station for fire department operations shall be provided in a location approved by the fire department. It shall contain the public address panel, the fire department communications panel, fire detection and alarm system annunciator panels, status indicators and controls for air handling systems, sprinkler valve and water flow detector display panels, and status indicators and a telephone for fire department use with controlled access to the public telephone system. (Fire)

5. Automatic Fire Suppression System: When the work area is an entire floor, an automatic fire suppression system shall be installed on that floor. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(d) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

(e) Airport Traffic Control Towers: When the work area exceeds 50 percent of the gross enclosed floor area of an airport traffic control tower, the entire structure shall comply with the requirements of Section 414.0 of the building subcode.

5:23-6.18 Basic requirements—Use Group E

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet, permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

i. A single exit shall not be permitted when a building is used as a child care center. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. A single means of egress shall be permitted in classrooms having a maximum occupant load of 75 in buildings equipped throughout with an automatic fire suppression system. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The lighting of exits, aisles and auditoria shall be controlled from a location inaccessible to unauthorized persons. Supplementary controls shall be provided in the projection room. (Plan review—Building, Fire. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in

which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one hour fire barrier shall be required, with the following exception:

i. No vertical opening protection shall be required for vertical openings of up to three stories in buildings with suppression throughout. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation. All public school buildings shall be provided with mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventila-

tion openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically ventilated spaces shall comply with the following:

i. Newly installed HVAC systems shall comply with ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment, or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke, or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

Administrative correction.
See: 30 N.J.R. 3785(b).

5:23-6.18A Supplemental requirements—Use Group E

(a) Automatic Fire Suppression System: In buildings three stories or more in height, with greater than 20,000 square feet per floor, when the work area exceeds 50 percent of the gross enclosed floor area of a floor, an automatic fire suppression system shall be installed throughout that floor. (Fire)

(b) Automatic Alarm System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic fire alarm system shall be installed throughout the building as follows:

1. An approved system of automatic smoke detectors;
or
2. An approved automatic fire suppression system equipped with automatic fire alarm devices; or
3. An approved system which combines the following elements shall be acceptable when devices are located as indicated below:
 - i. Combination fixed temperature/rate-of-rise detectors in classrooms and ancillary spaces;

ii. Photoelectric or projected-beam smoke detectors in exit access corridors and at the top of the exit stair enclosures; and

iii. Fixed temperature detectors in such a system shall be accepted in locations such as boiler rooms, garage areas and other spaces in which conditions render other detectors inappropriate.

4. Existing fire detection systems, installed and maintained in accordance with the manufacturer's recommendations, and meeting the intent of current standards for automatic fire alarms, shall be acceptable, provided:

i. The existing system is certified as functional by an approved service agency competent in the manufactured system.

ii. Where a portion of an existing system is not serviceable and cannot be repaired, the existing system shall be replaced in accordance with the above and the provisions of the building subcode. (Fire)

(c) Manual Alarm System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarm boxes shall be provided throughout the building in compliance with Section 918.5 of the building subcode and in accordance with the following:

1. Manual fire alarm boxes shall be provided in the natural path of escape from fire, near each exterior door from the corridor, kitchen, heater room and other exterior exits that are required to serve 50 or more persons. Additional fire alarm boxes shall be located in the main office, stage, at each stairway entrance from a corridor or place of assembly and near one exterior exit in each section of a place of assembly. It shall not be necessary to traverse more than 200 feet of unobstructed horizontal distance on the same floor in order to reach a fire alarm box. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum one hour fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for buildings with an automatic fire suppression system throughout. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for Highrise Buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices: (Elevator)

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Administrative correction.
See: 30 N.J.R. 3242(a).

5:23-6.19 Basic requirements—Use Group F

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria: (Plan review—Building, Fire. Inspection—Building)

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one hour fire barrier shall be required, with the following exceptions:

i. No vertical opening protection shall be required for vertical openings of up to three stories in special purpose manufacturing occupancies when necessary for manufacturing operations and when direct access is provided to at least one protected stairway; or

ii. In buildings with suppression throughout. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy ¹	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Light	1-15	1 Unisex	1	1	1
Industrial	16 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
Heavy Industrial		Fixtures to be provided as per Table 7.21.1 of the plumbing subcode			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.19A Supplemental requirements—Use Group F

(a) Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building.

1. Exception: Manual alarm systems shall not be required in buildings equipped throughout with an automatic suppression system. (Fire)

(b) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior

stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum one hour fire barrier required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for special purpose occupancies when necessary for manufacturing operations and direct access is provided to at least one protected stairway or for buildings with an automatic fire suppression system throughout. (Plan review—Building, Fire. Inspection—Building)

(c) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls,

as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(d) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

5:23-6.20 Basic requirements—Use Group H

(a) Automatic Fire Suppression System: An approved automatic fire suppression system shall be required. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants.

1. For buildings of Use Group H-1, H-2 or H-3, a minimum of two exits shall be required from all mezzanines with an occupant load of greater than three or in which the travel distance exceeds 50 feet. For buildings of Use Group H-4, a minimum of two exits shall be required from all mezzanines with an occupant load of greater than 10 or in which the travel distance exceeds 75 feet.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

3. For buildings of Use Group H-1 or H-2, new slides-capes or safety chutes shall be permitted where constructed in accordance with the building subcode. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: For buildings or spaces of Use Group H-1, H-2 or H-3, a minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than three or in which the travel distance exceeds 50 feet. For buildings or spaces of Use Group H-4, a minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 10 or in which the travel distance exceeds 75 feet. All egress doors shall swing in the direction of exit travel. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

1. Exception: Lighting to illuminate the exit discharge shall not be required. (Plan review—Building, Fire. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one hour fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories, with the following exception:

i. No vertical opening protection shall be required for vertical openings of up to three stories when necessary for manufacturing operations in a building where every floor level has direct access to at least two remote enclosed stairways or other approved exits. (Plan review—Building, Fire. Inspection—Building)

(k) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(l) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or

omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy ¹	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Light	1-15	1 Unisex	1	1	1
Industrial	16 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
Heavy		Fixtures to be provided as per Table 7.21.1 of the plumbing subcode			
Industrial					

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(m) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(n) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(o) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.20A Supplemental requirements—Use Group H

(a) Automatic Fire Suppression System: An automatic fire suppression system shall be installed throughout the work area. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(b) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building or use, a manual fire alarm system shall be installed throughout for buildings or portions thereof of Use Group H-2, H-3 or H-4. (Fire)

(c) Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building or use, an automatic fire alarm system shall be installed throughout in buildings of Use Group H. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum one hour fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

- i. Exception: No vertical opening protection shall be required when the opening is necessary for manufacturing operations in a building where every floor level has direct access to at least two remote enclosed stairways or other approved exits. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

- i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

- ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

- (1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

- iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

- i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

- ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

(g) HPM Facilities: When the work area exceeds 50 percent of the gross enclosed floor area of an HPM facility, the entire building is required to comply with the requirements of Section 416.0 of the Building subcode. (Building)

(h) Hazardous Materials: When the work area exceeds 25 percent of the gross enclosed floor area of the Use Group H portion of a building, the entire building is required to comply with the requirements of Section 417.0 and 418.0 of the building subcode. (Building)

5:23-6.21 Basic requirements—Use Group I-1

(a) Automatic Fire Suppression System: Fire suppression shall be required in buildings greater than two stories in height above grade with an occupant load greater than 20 excluding staff. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit shall not be permitted.

2. Existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

ii. Ladders shall be prohibited on fire escapes used as a required means of egress.

iii. Window access to fire escapes shall be permitted from individual rooms.

3. Existing slidescapes or safety chutes shall be permitted. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All dwelling unit, guest room or rooming unit corridor doors shall be at least 1 $\frac{3}{8}$ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames. Corridor doors shall not be constructed of

hollow core wood, shall not contain louvers and shall not be of panel construction. Doors shall fit both plumb and level in frames, and be reasonably tight fitting. All replacement doors shall be 1 $\frac{3}{4}$ inch solid core wood or approved equal, unless existing frame will accommodate only a 1 $\frac{3}{8}$ inch door. (Note: Existing doors meeting HUD Guidelines or BOCA Existing Structures Code (1984) for a rating of 15 minutes or better shall be accepted.)

3. In buildings with an automatic fire suppression system, doors are only required to provide a smoke barrier, to be free of louvers, to fit plumb and level and to be reasonably tight fitting.

4. All doors opening onto a passageway at grade or onto an exit stair shall be self-closing or automatic closing by listed closing devices.

i. Exception: Group homes with a maximum of 15 occupants and an approved automatic fire detection system shall not be required to have self-closing doors. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss. (Plan review—Building, Fire. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identi-

fied as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (g)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exceptions: Illuminated exit signs shall not be required for buildings with an occupant load, excluding staff, of 20 or less or when the second means of egress is a fire escape that is accessed directly from the individual sleeping room. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one hour fire barrier shall be required, with the following exception:

i. Exception: Vertical opening protection shall not be required for either the top or bottom of a stairway connecting not more than two floor levels when such stairway does not serve as a required means of egress and the occupant load does not exceed 12, excluding staff. (Plan review—Building, Fire. Inspection—Building)

(k) Boiler/Furnace Equipment Rooms: Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 907.0 of the building subcode.

3. For group homes and supervised transitional living homes heated with oil-burning equipment, an emergency shutoff switch shall be required at the top of the stairs leading to the basement for equipment in the basement or outside of the room for equipment located in other enclosed rooms. (Plan review—Building, Fire. Inspection—Building)

(l) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(m) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(n) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(o) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(p) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.21A Supplemental requirements—Use Group I-1

(a) Automatic Fire Suppression System: When the work area is more than two floors or when the work area will be occupied by more than 20 persons, excluding staff, an automatic fire suppression system shall be required throughout the work area. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the entire building. (Fire)

(b) Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a supervised automatic fire alarm system shall be required throughout the building.

1. Exception: Automatic alarm systems shall not be required in buildings, other than boarding homes, with an automatic fire suppression system and a manual fire alarm

system and with single station smoke detectors in the vicinity of sleeping areas in accordance with NFPA 72. (Fire)

(c) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Carbon monoxide alarms: When the work area exceeds 25 percent of the gross enclosed floor area of the building, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any room or dwelling unit in a building that contains a fuel-burning appliance or has an attached garage. (Fire)

1. Exception: Rooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The room or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The room or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.

(e) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior

stairways and other vertical openings connecting four to six floor levels.

3. A minimum one hour fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for either the top or bottom of a stairway connecting not more than two floor levels when such stairway does not serve as a required means of egress and the occupant load does not exceed 12, excluding staff. (Plan review—Building, Fire. Inspection—Building)

(f) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(g) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Amended by R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Inserted a new (d); and recodified former (d) through (f) as (e) through (g).

5:23-6.22 Basic requirements—Use Group I-2

(a) Automatic Fire Suppression System: Fire suppression shall be required.

1. Exception: Suppression shall not be required in buildings of Type 1 or Type 2A construction of any height or of Type 2B construction not over one story in height.

2. Exception: Suppression shall not be required in day care centers with an occupant load of 100 or less where all the children under 2½ years of age are cared for on the first floor and in which each child care room has an exit door directly to the exterior. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit shall not be permitted. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. A minimum of two egress doorways shall be required for any patient sleeping room or suite of rooms greater than 1,000 square feet. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in

conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss. (Plan review—Building, Fire. Inspection—Building)

(g) **Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (g)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exception: When the second means of egress is a fire escape that is accessed directly from the individual sleeping room, illuminated exit signs shall not be required above the means of egress serving the fire escape. (Plan review—Building, Fire. Inspection—Building)

(h) **Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) **Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) **Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one hour fire barrier shall be required, with the following exception:

i. Exception: Vertical opening protection shall not be required for vertical openings connecting not more than two floor levels which are separated by a one-hour fire barrier equipped with a self-closing or automatically closing 20 minute door at the top or bottom of the stairway when such stairway does not serve as a required means of egress. (Plan review—Building, Fire. Inspection—Building)

(k) **Boiler/Furnace Equipment Rooms:** Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies for day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2½ years.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 907.0 of the Building subcode.

3. Where oil-burning equipment is used, an emergency shutoff switch shall be required at the top of the stairs leading to the basement for equipment in the basement or outside of the room for equipment located in other enclosed rooms. (Plan review—Building, Fire. Inspection—Building)

(l) **Smoke Barriers:** On every story used for sleeping purposes for more than 30 occupants and on stories which are usable, but unoccupied, when the work area exceeds 22,500 square feet on a floor, the work area shall be divided into not less than two compartments by smoke barrier walls complying with the technical requirements of N.J.A.C. 5:23-6.30(e) such that each compartment does not exceed 22,500 square feet and is no more than 150 feet in length and width. (Plan review—Building, Fire. Inspection—Building)

(m) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no

excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(n) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(o) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(p) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire, Inspection—Building)

(q) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.22A Supplemental requirements—Use Group I-2

(a) Automatic Fire Suppression System: When the work area is 50 percent or more of the occupied floor area of the building, an automatic fire suppression system shall be required throughout the floor. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building.

1. Exception: No automatic fire suppression system shall be required for day care centers with an occupant load of 100 or less where all children below 2½ years of age are cared for on the first floor and in which each child care room has an exit door directly to the exterior. (Fire)

(b) Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a supervised automatic fire alarm system shall be required throughout the building.

1. Exception: Automatic alarm systems shall not be required for buildings with an automatic fire suppression system and a manual fire alarm system and with single station smoke detectors in vicinity of sleeping areas in accordance with NFPA 72. (Fire)

(c) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum one hour fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for vertical openings connecting not more than two floor levels which are separated by a one-hour fire barrier equipped with a self-closing or automatically closing 20 minute door at the top or bottom of the stairway when such stairway does not serve as a required means of egress. (Plan review—Building, Fire, Inspection—Building)

(e) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be de-

signed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Smoke Barriers: When the work area exceeds 50 percent of the occupied enclosed floor area of a story used for sleeping purposes for more than 30 occupants or of a story which is usable, but unoccupied, the story shall be divided into two or more compartments by smoke barrier walls complying with the technical requirements of N.J.A.C. 5:23-6.30(e) such that each compartment does not exceed 22,500 square feet and is no more than 150 feet in length and width. (Plan review—Building, Fire. Inspection—Building)

(g) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

5:23-6.23 Basic requirements—Use Group I-3

(a) Automatic Fire Suppression System: Fire suppression shall be required in buildings with an occupant load of six or more. As an alternative, buildings shall be in compliance with all applicable provisions of Chapter 15 "Existing Detention and Correctional Occupancies" of the Life Safety Code, NFPA 101, 1985 edition.

1. In buildings not required to be equipped throughout with suppression, suppression shall be provided in all padded cells, boiler rooms, storage and workshop rooms 24 square feet or larger, mechanical equipment and similar rooms. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit shall not be permitted. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. Buildings with remote power unlocking capability on more than 10 doors shall be provided with an emergency

power source for such locks. Power shall be arranged to automatically operate upon failure of normal power within 10 seconds and for a duration of not less than one hour. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss. (Plan review—Building, Fire. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (g)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exception: When the second means of egress is a fire escape that is accessed directly from the individual sleeping room, illuminated exit signs shall not be required above the means of egress serving the fire escape. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required for all vertical openings. The vertical opening protection may be omitted if either of the following conditions is met:

1. The building is in compliance with NFPA 101, Chapter 15, 1985 edition; or

2. The building is equipped throughout with an automatic suppression system. (Plan review—Building, Fire. Inspection—Building)

(k) Interior Finishes and Furnishings: Interior furnishings, drapes, curtains, carpeting, decorations, bedding, etc. shall be flame retardant. (Plan review—Building, Fire. Inspection—Building)

(l) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(m) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(n) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(o) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(p) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.23A Supplemental requirements—Use Group I-3

(a) Automatic Fire Suppression System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic fire suppression system or compliance with Chapter 15 "Existing Detention and Correctional Occupancies" of the Life Safety Code, NFPA 101, 1985 edition shall be required throughout the building when there is an occupant load of six or more. In buildings without an automatic fire suppression system, padded cells, boiler and mechanical equipment rooms, and storage and workshop rooms 24 square feet or larger must have an automatic fire suppression system. (Fire)

(b) Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a supervised automatic fire alarm system shall be required throughout all resident housing areas in the building. Smoke detectors shall be arranged and positioned to prevent damage or tampering, provided that the function and speed of detecting a fire is equivalent to that provided by the spacing and arrangement requirements of NFPA 72 listed in Chapter 35 of the building subcode.

1. Exception: An automatic fire alarm system shall not be required for buildings with an automatic fire suppression system and a manual fire alarm system and with single station smoke detectors in vicinity of sleeping areas in accordance with NFPA 72.

2. Exception: Smoke detectors shall not be required in sleeping rooms with four or fewer occupants. (Fire)

(c) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided between floor levels of residential areas unless the building is equipped throughout with an automatic fire suppression or the building complies with NFPA 101, Chapter 15, 1985 edition. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME

A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

5:23-6.24 Basic requirements—Use Group M

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss. (Plan review—Building, Fire. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required, with the following exceptions:

i. No vertical opening protection shall be required for openings connecting only two floor levels, such as between the street floor and mezzanine or second floor; or

ii. In buildings with suppression throughout. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy ^{1,2,3}	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Employees	1-15 16 and over	1 Unisex Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.	1	1	1
Customers	1-25 26 and over	1 Unisex Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.	1	1	1

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Customer and employee facilities may be satisfied with a single unisex toilet facility where the number of employees does not exceed 15 and where the total occupancy does not exceed 25 or where the occupied floor area does not exceed 1,500 square feet.

Note 3. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

(l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing

rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

5:23-6.24A Supplemental requirements—Use Group M

(a) Automatic Fire Suppression System: When the work area is 12,000 square feet or more, an automatic fire suppression system shall be installed throughout the entire fire area. (Fire)

(b) Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building.

1. Exception: Manual alarm systems shall not be required in buildings equipped throughout with an automatic suppression system. (Fire)

(c) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minute fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for openings connecting only two floor levels, such as between the street floor and mezzanine or second floor, or for buildings with an automatic fire suppression system throughout. (Plan review—Building, Fire. Inspection—Building)

(d) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

4. Automatic Fire Suppression System: When the work area is an entire floor, an automatic fire suppression system shall be installed on that floor. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(e) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

5:23-6.25 Basic requirements—Use Group R-1

(a) Smoke detectors: Battery-powered, single station smoke detectors or smoke detectors complying with the building subcode shall be required in individual guest rooms. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

ii. Window access to fire escapes shall be permitted from individual guestrooms.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

3. Multilevel guest units do not require an exit from each level within the unit provided that these conditions are met: The building is Type 1 or Type 2 construction, with travel distance within the dwelling unit not exceeding 75 feet or the building is not more than three stories and all third floor space is part of a dwelling unit located in part on the second floor and no habitable room has a travel distance of greater than 50 feet from the door of the room to the entrance of the dwelling unit.

4. A single exit is permitted from floors that are not more than 16 feet above grade provided that each unit on such floors has an operable window with a sill height of not more than 44 inches.

5. A single exit is permitted in buildings that are not more than two stories in height from floors that are more than 16 feet above grade with not more than four dwelling units per floor and exit access travel distance not exceeding 50 feet and with a minimum fire resistance rating of one hour for the exit enclosure and opening protection and provided that each dwelling unit on such floors has an operable window with a sill height of not more than 44 inches. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All dwelling unit, guest room or rooming unit corridor doors shall be at least 1 $\frac{3}{8}$ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames. Corridor doors shall not be constructed of hollow core wood, shall not contain louvers and shall not be of panel construction. Doors shall fit both plumb and level in frames, and be reasonably tight fitting. All replacement doors shall be 1 $\frac{3}{8}$ inch solid core wood or approved equal, unless existing frame will accommodate only a 1 $\frac{3}{8}$ inch door. (Note: Existing doors meeting HUD Guidelines or BOCA Existing Structures Code (1984) for a rating of 15 minutes or better shall be accepted.)

3. In buildings with suppression, doors are only required to provide a smoke barrier, to be free of louvers, to fit plumb and level and to be reasonably tight fitting.

4. All doors opening onto a passageway at grade or onto an exit stair shall be self-closing or automatic closing by listed closing devices. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss. (Plan review—Building, Fire. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (g)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exception: When the second means of egress is a fire escape that is accessed directly from the individual sleeping room, illuminated exit signs shall not be required above the means of egress serving the fire escape. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one hour fire barrier shall be required, with the following exceptions:

i. Vertical opening protection shall not be required in buildings not exceeding three stories with suppression throughout; or

ii. In buildings with not more than 25 guests when the following conditions are met:

(1) Every sleeping room is provided with an operable window having a sill height not greater than 44 inches;

(2) Every sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit;

(3) Any exit access corridor exceeding eight feet in length which serves two means of egress, at least one of which is an unprotected vertical opening, is separated from the vertical opening by a one-hour fire barrier; and

(4) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

(k) Transoms and Other Interior Openings: All transoms shall be either glazed with $\frac{1}{4}$ inch wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction. Any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air shall be sealed with materials consistent with the corridor construction. (Plan review—Building, Fire. Inspection—Building)

(l) Boiler/Furnace Equipment Rooms: Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 907.0 of the Building subcode. (Plan review—Building, Fire. Inspection—Building)

(m) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(n) Electrical Equipment and Wiring: Guestrooms shall be provided with one switch-controlled ceiling or wall type outlet or equivalent to illuminate entrances and exits. Additionally, each guest bathroom shall be provided with at least one duplex receptacle outlet which is GFCI protected and at least one switch-controlled lighting outlet.

(o) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(p) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(q) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(r) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection.

1. Exception: Specific occupancy areas within and serving a dwelling unit are not required to comply with this section. (Building)

(s) Accessibility of Sleeping Rooms: At least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be made accessible unless the facility already provides the number of accessible sleeping rooms required by the barrier free subcode. (N.J.A.C. 5:23-7.1(b)7) In addition, at least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be equipped with a visual alarm and notification device for the hearing impaired unless the facility already provides

the number required by the barrier free subcode. (Building)

5:23-6.25A Supplemental requirements—Use Group R-1

(a) Automatic Fire Suppression System: In buildings four or more stories in height (excluding basements), when the work area is an entire floor, an automatic fire suppression system shall be installed throughout the work area. (Fire)

(b) Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic fire alarm system shall be required throughout the building. System smoke detectors are not required in guestrooms provided that the single-station detectors required by Section 920.3.1 are connected to the emergency electrical system and are annunciated by guestroom at a constantly attended location from which the fire alarm system is capable of being manually activated.

1. Exception: An automatic fire detection system is not required in buildings that do not have interior corridors serving guestrooms and where all guestrooms have a means of egress door opening directly to an exterior exit access which leads directly to the exits. (Note: Single station smoke detectors are still required in individual guest rooms in such buildings in accordance with N.J.A.C. 5:23-6.25(b) or 6.25A(d), as applicable). (Fire)

(c) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a manual fire alarm system shall be required throughout the building.

1. No manual fire alarms shall be required for buildings with less than 25 occupants and less than 10 guestrooms. (Fire)

(d) Smoke Detectors: When the work area exceeds 50 percent of the gross enclosed floor area of the building, smoke detectors within guestrooms that meet the specifications of the building subcode shall be required throughout the building. The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire)

(e) Carbon monoxide alarms: When the work area exceeds 25 percent of the gross enclosed floor area of the building, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any guestroom or dwelling unit in a building that contains a fuel-burning appliance or has an attached garage. (Fire)

1. Exception: Guestrooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The guestroom or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The guestroom or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.

(f) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hours fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum one hour fire barrier required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. For buildings with an automatic fire suppression system throughout;

ii. For buildings with not more than 25 guests when the following conditions are met:

(1) Every sleeping room is provided with an approved, operable window having a sill height not greater than 44 inches;

(2) Every sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit;

(3) Any exit access corridor exceeding eight feet in length which serves two means of egress, at least one of which is an unprotected vertical opening, shall be separated from the vertical opening by a one-hour fire barrier; and

(4) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

(g) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work

area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

4. When the work area is one entire floor or more, central control station and communication systems shall be provided as follows:

i. An approved public address communication system consisting of loudspeakers in each corridor and in each room and tenant space exceeding 1,000 square feet, each elevator and elevator lobby and in each stair enclosure which shall be capable of being operated from the central control station;

ii. A two-way fire department communication system which shall operate between the central control and every elevator, elevator lobby and entry to enclosed exit stairways;

iii. A central control station for fire department operations shall be provided in a location approved by the fire department. It shall contain the public address panel, the fire department communications panel, fire detection and alarm system annunciator panels, status indicators and controls for air handling systems, sprinkler valve and water flow detector display panels, and status indicators and a telephone for fire department use with controlled access to the public telephone system. (Fire)

5. Automatic Fire Suppression System: When the work area is an entire floor, an automatic fire suppression system shall be installed on that floor. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(h) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Amended by R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Inserted (e); and recodified existing (e) through (g) as (f) through (h).

5:23-6.26 Basic requirements—Use Group R-2

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

ii. Window access to fire escapes shall be permitted from individual units.

iii. For rooming houses, ladders shall be prohibited on fire escapes used as a required means of egress.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

3. Dwelling units in basements (stories below grade) shall have two means of egress unless the building has an automatic fire suppression system. (An operable window with a net clear opening of at least five square feet, a minimum net clear opening of 24 inches in height and 20 inches in width, and a sill height of not more than 44 inches above the finished floor is acceptable as one of the means of egress.)

4. For rooming houses, a single exit shall be prohibited.

5. Multilevel dwelling units do not require an exit from each level within the dwelling unit provided that these conditions are met: The building is Type 1 or Type 2 construction, with travel distance within the dwelling unit not exceeding 75 feet or the building is not more than three stories and all third floor space is part of a dwelling unit located in part on the second floor and no habitable room has a travel distance of greater than 50 feet from the door of the room to the entrance of the dwelling unit.

6. A single exit is permitted from floor(s) are not more than 16 feet above grade provided that each dwelling unit on such floors has an operable window with a sill height of not more than 44 inches. (In community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.)

7. A single exit is permitted in buildings that are not more than two stories in height from floors that are more than 16 feet above grade with not more than four dwelling units per floor and exit access travel distance not exceeding 50 feet and with a minimum fire resistance rating of one hour for the exit enclosure and opening protection provided that each dwelling unit on such floors has an operable window with a sill height of not more than 44 inches. (In community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.)

8. As used in this subsection, "rooming house" means any building and any part thereof, which contains two or more units of dwelling space which do not provide a private, secure dwelling space arranged for independent living and containing both full bath and kitchen facilities (exclusive of any such unit occupied by an owner or operator), including any residential hotel. The term does not include any hotel, motel or established guest house in which a minimum of 85 percent of the units of dwelling space are offered on a temporary basis only, for periods lasting no more than 90 days, to guests who either maintain or intend to maintain a primary residence at a location other than the hotel, motel or established guest house. The term also does not include one-family residential dwellings made available for occupancy by not more than five roomers. (Plan review—Building, Fire, Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All dwelling unit, guest room or rooming unit corridor doors shall be at least 1 $\frac{3}{4}$ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames. Corridor doors shall not be constructed of hollow core wood, shall not contain louvers and shall not be of panel construction. Doors shall fit both plumb and level in frames, and be reasonably tight fitting. All replacement doors shall be 1 $\frac{3}{4}$ inch solid core wood or approved equal, unless existing frame will accommodate only a 1 $\frac{3}{4}$ inch door. (Note: Existing doors meeting HUD Guidelines or BOCA Existing Structures Code (1984) for a rating of 15 minutes or better shall be accepted.)

3. In buildings with an automatic fire suppression system, doors are only required to provide a smoke barrier, to be free of louvers, to fit plumb and level and to be reasonably tight fitting.

4. All doors opening onto a passageway at grade or onto an exit stair shall be self-closing or automatic closing by listed closing devices.

i. Exception: Group homes with a maximum of 15 occupants and an approved automatic detection system shall not be required to have self-closing doors. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

1. Means of egress lighting shall be wired on a circuit independent of circuits within any dwelling unit. The disconnecting means and over current protection device shall not be located within a dwelling unit or such that access must be obtained by going through a dwelling unit. (Plan review—Building, Fire. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (f)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exceptions: Illuminated exit signs shall not be required for buildings with an occupant load, excluding staff, of 20 or less or when the second means of egress is a fire escape that is accessed directly from the individual sleeping room. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required, with the following exceptions:

i. Buildings with an automatic fire suppression system throughout; or

ii. When the vertical opening connects not more than two floor levels and not more than four dwelling units per floor provided that each dwelling unit has access to a fire escape or other approved secondary exit; or

iii. Owner-occupied buildings with not more than four dwelling units per floor, and in which the following conditions are met:

(1) Every sleeping room is provided with an operable window having a sill height not greater than 44 inches;

(2) Every dwelling unit or sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit; and

(3) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

(j) Transoms and Other Interior Openings: All transoms shall be either glazed with $\frac{1}{4}$ inch wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction. Any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air shall be sealed with materials consistent with the corridor construction. (Plan review—Building, Fire. Inspection—Building)

(k) Boiler/Furnace Equipment Rooms: Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 907.0 of the Building subcode.

3. For group homes and supervised transitional living homes heated by oil-burning equipment, an emergency shutoff switch is required at top of the stairs leading to the basement for equipment in the basement or outside of the room for equipment located in other enclosed rooms. (Plan review—Building, Fire. Inspection—Building)

(l) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(m) Electrical Equipment and Wiring:

1. All enclosed areas, other than kitchens, basements, garages, hallways, closets, laundry areas and bathrooms shall have a minimum of two duplex receptacle outlets.

2. Kitchen areas shall have a minimum of two duplex receptacle outlets or equivalent and a switch-controlled lighting outlet. At least one of the required duplex receptacles shall be provided to serve counter space.

3. Laundry areas shall have a minimum of one duplex receptacle outlet or equivalent located near the laundry equipment and installed on an independent circuit.

4. At least one switch controlled lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, detached garage with electric power, and to illuminate outdoor entrances and exits.

5. At least one switch controlled lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.

6. Electrical service equipment (overcurrent devices) shall be located where they will not be subject to physical damage and shall not be located in the vicinity of easily ignitable material.

7. All 125 volt, single-phase, 15 and 20 ampere receptacles in locations specified in Section 210-8(a) of the electrical subcode shall have ground-fault circuit protection for personnel. (Electrical)

(n) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(o) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(p) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(q) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection.

1. Exception: Specific occupancy areas within and serving a dwelling unit are not required to comply with this section. (Building)

(r) Accessibility: Accessible features shall be provided within the work area in those buildings with four or more dwelling units that are required by N.J.A.C. 5:23-7.1 to be accessible.

(s) Communicating Attic Spaces: Where adjacent dwelling units have communicating space in the attic, a wall shall be constructed to provide a continuous one hour fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. All work shall be performed on the side of the wall of the dwelling unit that is undergoing reconstruction. (Plan review—Building, Fire. Inspection—Building)

5:23-6.26A Supplemental requirements—Use Group R-2

(a) Automatic Fire Suppression System: In buildings four or more stories in height (excluding basements), when the work area is an entire floor, an automatic fire suppression system shall be installed throughout the work area. (Fire)

(b) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a manual fire alarm system shall be required throughout the building.

1. Exception: No manual fire alarm system shall be required for buildings where all dwelling units are located fewer than three stories above the lowest level of exit discharge or one story or less below the highest level of exit discharge serving the dwelling unit(s). (Fire)

(c) Smoke Detection Systems: When the work area exceeds 25 percent of the gross enclosed floor area of the building, approved smoke detection systems shall be located in all interior common areas. Such systems shall be powered by an alternating current (AC) constantly active electric circuit that cannot be deactivated by the operation of any interconnected switching device and shall comply with NFPA 70-93 (National Electric Code) requirements, except as otherwise provided in this section. Such systems shall be on circuitry that is connected into the building owner's electric meter.

1. In multiple dwellings six stories or more in height and having 30 or more dwelling units, such systems:

i. Shall be connected to a supervisory type listed control panel conforming to U.L. 864 requirements and NFPA 72-90 standards, except as otherwise provided in this section;

ii. Shall be powered by an approved emergency power source as installed in conformance with NFPA 70-93 (National Electrical Code);

iii. Shall have a control panel of the multi-zoned type that will visually indicate the floor or zone from which the alarm is activated, which panel shall be located in accordance with NFPA 72-90 standards or as directed by the local fire subcode official.

2. A pre-signal alarm feature is not permitted.

3. The separate zoning of floors in high-rise buildings for selective floor evacuation is permitted at the discretion of the fire subcode official in consultation with the fire department.

4. Alarms shall be located so as to be effectively heard above all other sounds, by all the occupants, in every occupied space within the building not separated by fire walls having a fire-resistance rating of at least two hours.

5. With the approval of the fire subcode official, fixed temperature heat detectors in those locations where frequent nuisance alarms would be likely to occur. Such building spaces include, but are not limited to, garages, crawl spaces, uninhabitable attics, heater and boiler rooms, laundry rooms, kitchens, restaurant service areas, and other rooms where the ambient temperatures are below 40 degrees Fahrenheit or above 100 degrees Fahrenheit and/or have a relative humidity either below 20 percent or above 85 percent or where environmental conditions are likely to produce nuisance alarms.

6. Existing common area smoke detection systems that were installed in compliance with this subchapter or with the Regulations Governing Rooming and Boarding Houses (N.J.A.C. 5:27) or Regulations for the Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10) and maintained in accordance with N.J.A.C. 5:18-3, for which a construction permit was issued subject to plan review approval, shall be accepted as conforming to this section. (Fire)

(d) Smoke Detection within Dwelling Units: Smoke detectors shall be provided within dwelling units as follows:

1. When the work area is an entire dwelling unit, smoke detectors that meet the specifications of the building subcode shall be installed. The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72.

2. When any work is undertaken within a dwelling unit, single station smoke detectors shall be installed. (Battery-powered units shall be permitted.) The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire)

(e) Carbon monoxide alarms: Single station carbon monoxide detectors shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any dwelling that is part of the scope of work in a building that contains a fuel-burning appliance or has an attached garage. Additionally, when the work area exceeds 25 percent of the gross enclosed floor area of the building, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in every room or dwelling unit in the building. (Fire)

1. Exception: Rooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

- i. The room or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

- ii. The room or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

- iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.

(f) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minute fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

- i. Buildings with an automatic fire suppression system throughout;

- ii. When the vertical opening connects not more than two floor levels with not more than four dwelling units per floor and each dwelling unit has access to a fire escape or other approved secondary exit; or

- iii. Owner-occupied buildings with not more than four dwelling units per floor, and in which the following conditions are met:

- (1) Every sleeping room is provided with an approved, operable window having a sill height not greater than 44 inches;

- (2) Every dwelling unit or sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit; and

- (3) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

(g) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

4. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, central control station and communication systems shall be provided as follows:

i. An approved public address communication system consisting of loudspeakers in each common corridor, each elevator and elevator lobby and in each stair enclosure which shall be capable of being operated from the central control station;

ii. A two-way fire department communication system which shall operate between the central control and

every elevator, elevator lobby and entry to enclosed exit stairways;

iii. A central control station for fire department operations shall be provided in a location approved by the fire department. It shall contain the public address panel, the fire department communications panel, fire detection and alarm system annunciator panels, status indicators and controls for air handling systems, sprinkler valve and water flow detector display panels, and status indicators and a telephone for fire department use with controlled access to the public telephone system. (Fire)

(h) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g).

1. Exception: Elevator devices wholly within individual dwelling units and not accessible to the general public shall not be required to comply. (Elevator)

Amended by R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Inserted (e); and recodified existing (e) through (g) as (f) through (h).

5:23-6.27 Basic requirements—Use Groups R-3/R-4

(a) Smoke Detection within Dwelling Units: Smoke detectors that meet the specifications of the building subcode shall be installed. The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire.)

(b) Carbon monoxide alarms: In any dwelling unit that is located in a building required to be registered as a multiple dwelling and that contains a fuel-burning appliance or has an attached garage, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area. (Fire)

1. Exception: Dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not

limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.

(c) Egress Windows: When the building is used as a bed and breakfast, every sleeping room below the fourth story shall be provided with an operable window having a sill height of not more than 44 inches.

1. Windows in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system. (Plan review—Building, Fire. Inspection—Building)

(d) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(e) Electrical Equipment and Wiring:

1. All enclosed areas, other than kitchens, basements, garages, hallways, closets, laundry areas and bathrooms shall have a minimum of two duplex receptacle outlets.

2. Kitchen areas shall have a minimum of two duplex receptacle outlets or equivalent and one switch controlled lighting outlet. At least one of the required duplex receptacles shall be provided to serve counter space.

3. Laundry areas shall have a minimum of one duplex receptacle outlet or equivalent located near the laundry equipment and installed on an independent circuit.

4. At least one switch controlled lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, detached garage with electric power, and to illuminate outdoor entrances and exits.

5. At least one switch controlled lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.

6. Electrical service equipment (overcurrent devices) shall be located where they will not be subject to physical damage and shall not be located in the vicinity of easily ignitable material.

7. All 125 volt, single-phase, 15 and 20 ampere receptacles in locations specified in Section 210-8(a) of the electrical subcode shall have ground-fault circuit protection for personnel. (Electrical)

(f) Communicating Attic Spaces: Where adjacent dwelling units have communicating space in the attic, a wall shall be constructed to provide a continuous one hour fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. All work shall be performed on the side of the wall of the dwelling unit that is undergoing reconstruction. (Plan review—Building, Fire. Inspection—Building)

Amended by R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Inserted (b); and recodified existing (b) through (e) as (c) through (f).

5:23-6.27A Supplemental requirements—Use Groups R-3/R-4

There are no supplemental requirements applicable to Use Group R-3/R-4.

5:23-6.28 Basic requirements—Use Group S

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 30 and with exit travel distance greater than 100 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 30 and the exit access travel distance does not exceed 100 feet.

3. A single exit is permitted in open parking structures where vehicles are mechanically parked.

4. A single exit is permitted in buildings of Use Group S-2 not more than two stories in height, with not more than 3,000 square feet per floor when the exit access travel distance does not exceed 50 feet and a minimum fire resistance rating of one hour is provided for the exit enclosure and the opening protection. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) to assure continued illumination for not less than one hour in the case of primary power loss.

1. Exception: Lighting to illuminate the exit discharge shall not be required. (Plan review—Building, Fire. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no

excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

<u>Total Occupancy¹</u>	<u>Water Closets</u>	<u>Lavatories</u>	<u>Drinking Water Facilities</u>	<u>Service Sinks</u>
1-15	1 Unisex	1	1	1
16 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in ASHRAE 62-89, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

Administrative correction.
See: 30 N.J.R. 539(a).

5:23-6.28A Supplemental requirements—Use Group S

(a) Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building.

1. Exception: Manual alarm systems shall not be required in buildings equipped throughout with an automatic suppression system. (Fire)

(b) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels. (Plan review—Building, Fire. Inspection—Building)

(c) Requirements for highrise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in Appendix 3-A of N.J.A.C. 5:18-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(d) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

(e) Public Garages: When the work area exceeds 50 percent of the gross floor area of a public garage, the entire building is required to comply with Section 408.0, except Subsection 408.3.3, of the Building subcode.

5:23-6.29 Mixed use buildings

(a) Each portion of a building shall be separately classified as to use. The requirements of this subcode shall apply to each portion of the building based on the use group of that portion, except that the most restrictive requirements of this subcode for fire suppression shall apply to the entire building.

1. Exception: An automatic fire suppression system shall not be required for uses that would not otherwise need suppression provided that there is a one hour fire separation between the use(s) requiring suppression and the other use(s) in the same building. A two hour fire separation assembly shall be required to apply this exception in any building where one or more of the uses is H. (Plan review—Building, Fire. Inspection—Building)

(b) Separation: In any nonresidential use located below one or more dwelling units, when the work area exceeds 50 percent of the gross enclosed floor area of the nonresidential use, the nonresidential use shall be separated from the residential use by a one hour fire resistance-rated ceiling assembly designed to protect the dwelling unit(s) above. (Plan review—Building, Fire. Inspection—Building)

(c) Alarms: In any nonresidential use located below one or more dwelling units (including single room occupancies), when the work area exceeds 50 percent of the gross enclosed floor area of the nonresidential use, single or multiple station smoke detectors shall be installed in the nonresidential portion(s) of the building in accordance with NFPA 72 and provided with an audible alarm located within each dwelling unit of the residential portion of the building. The detectors shall be AC powered with battery back-up. Hard-wired, interconnected smoke detectors installed throughout the building shall be accepted as meeting this requirement. (Fire)

5:23-6.30 Special technical requirements—all use groups

(a) The requirements of this section shall apply to reconstruction projects in all use groups except R-3 and R-4.

(b) When an automatic sprinkler system is required or provided, the sprinkler riser shall be sized to serve the entire building even if the system currently being installed serves only a portion of the building.

1. Exception: This requirement shall not apply to limited area sprinkler systems installed in accordance with Section 907.0 of the building subcode. (Fire)

(c) Windowless stories: In all buildings, any windowless basement or story located below the seventh story which is created by the work being performed or any existing windowless basement or story located below the seventh story in which the work area exceeds 50 percent of the gross enclosed floor area of the windowless story, shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

1. Stories or basements shall not be considered windowless when there is provided on at least one side of such story or basement firefighter access through openings, such as windows, doors or access panels, that are located entirely above the adjoining grade level.

2. Such openings shall be at least:

i. Thirty-two inches by 48 inches in size, spaced not more than 100 feet apart in each story or basement; or

ii. Twenty-two inches by 42 inches in size, spaced not more than 30 feet apart in each story or basement.

3. All openings for firefighter access shall conform to all the following:

i. Openings shall be unobstructed to allow fire fighting and rescue operations from the exterior;

ii. Openings in stories at or above grade shall have a sill height of not more than 36 inches as measured from the finished floor level. Openings in basements shall have no sill height restrictions; and

iii. Openings shall be readily identifiable and openable from the outside.

4. When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the story shall be considered windowless unless openings as specified above are provided on at least two sides of the exterior walls of the story.

5. If any portion of a basement is located more than 75 feet from openings as specified above, the basement shall be considered windowless.

6. Windowless basements not exceeding 3,000 square feet in area shall be exempt from this automatic fire suppression requirement, provided a supervised automatic fire alarm system shall be installed in accordance with the New Jersey Uniform Construction Code.

7. In windowless basements greater than 3,000 square feet, but not exceeding 10,000 square feet in area, the required suppression system need not be connected to a water supply other than an existing domestic supply if the following conditions are met:

i. The suppression system shall be provided with a fire department connection, which shall be marked with a sign reading "Basement Area Sprinkler Water Supply"; and

ii. A supervised automatic fire alarm system shall be installed in accordance with the New Jersey Uniform Construction Code. (Fire)

(d) Supervision of automatic fire suppression systems: When suppression systems are required by this subcode to be supervised, this shall be accomplished by one of the following methods as determined by the fire subcode official:

1. Approved central station system in accordance with NFPA 72;

2. Approved proprietary system in accordance with NFPA 72;

3. Approved remote station system of the jurisdiction in accordance with NFPA 72; or

4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFPA 72;

5. The following are exceptions to (d) above:

i. Underground gate valves with roadway boxes;

ii. Halogenated extinguishing systems;

iii. Carbon-dioxide extinguishing systems;

iv. Dry chemical extinguishing systems; and

v. Limited area sprinkler systems. (Fire)

(e) Technical Requirements for Smoke Barriers: Wherever smoke barriers are required by this subchapter, they shall be constructed in accordance with the following provisions:

1. Smoke barriers shall have a fire resistance rating of not less than one-half hour and shall form an effective membrane continuous from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as those found above suspended ceilings, and including interstitial structural and mechanical spaces. Transfer grilles, whether equipped with fusible link-operated dampers or not, shall not be used in these partitions. Wire glass panels

not exceeding 1,296 square inches in approved steel frames may be used in smoke barriers.

i. Exception: Smoke barriers are not required in interstitial spaces when such spaces are designed and constructed with ceilings that provide resistance to the passage of fire and smoke equivalent to that provided by smoke barriers.

2. A means of egress shall be provided from each smoke compartment created by smoke barriers such that it is possible to reach an exit without re-entering the smoke compartment.

3. Doors in smoke barriers shall have a fire-resistance rating of not less than 20 minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency. Double egress corridor doors shall have vision panels of one-quarter inch thick labeled wire glass mounted in approved steel frames. Such panels may also be provided in other doors in smoke barriers. The glass area of the vision panels shall be limited to 1,296 square inches for each door. The doors shall close the openings with only the clearance necessary for proper operation under self-closing or automatic closing and shall be without undercuts, louvers or grilles. Rabbets or astragals are required at the meeting edges of double egress doors, and stops are required on the head and jams of all doors in smoke barriers. Positive latching devices are not required on double egress corridor doors, and center mullions are prohibited.

i. Exception: Protection at the meeting edges of doors and stops at the head and sides of door frames may be omitted in buildings equipped with an approved engineered smoke control system. The engineered smoke control system shall respond automatically, preventing the transfer of smoke across the barrier.

4. Doors in smoke barriers shall be self-closing or shall be provided with approved door hold-open devices of the fail-safe type which shall release the doors causing them to close upon the actuation of smoke detectors as well as upon the application of a maximum manual pull of 50 pounds against the hold-open device.

5. An approved damper designed to resist the passage of smoke shall be provided at each point a duct penetrates a smoke barrier. The damper shall close upon detection of smoke by an approved smoke detector located within the duct.

i. In lieu of an approved smoke detector located within the duct, ducts which penetrate smoke barriers above doors are permitted to have the approved damper arranged to close upon detection of smoke on either side of the smoke barrier door opening.

ii. Dampers are not required in buildings equipped with an approved engineered smoke control system.

iii. Dampers are not required where the openings in ducts are limited to a single smoke compartment and

the ducts are of steel construction. (Plan review—Building, Fire. Inspection—Building)

(f) Existing alarm systems and suppression systems shall be accepted provided that they meet the requirements of N.J.A.C. 5:23-6.8, Materials and methods, or the standards applicable at the time of their installation and provided that there is no increase in the hazard of the use or in the load. (Fire)

(g) Technical Requirements for Elevator Devices: Where elevator requirements are triggered by the supplemental requirements for each use group (N.J.A.C. 5:23-6.12A through 6.28A), the following shall apply:

1. Passenger elevators. Elevator devices accessible to the general public shall conform to:

i. ASME A17.3-1993 requirements for Hoistway Door Locking Devices, Parking Devices, and Access (Sections 2.7, 4.1); Hoistway Entrances (Sections 2.6, 4.1); Power Operation of Doors and Gates (Sections 2.8, 4.1); Floating Platforms (Sections 3.3.4); Car Doors and Gates (Section 3.4.2); Location of Car Doors and Gates (Section 3.4.3); Emergency Exits (Section 3.4.4); Car Illumination (Section 3.4.5) and Protection of Light Bulbs and Tubes (Section 3.4.6); Terminal Stopping Devices (Sections 3.9, 4.6); Operating Devices and Control Equipment (Section 3.10, 4.7 except 4.7.8); Car Emergency Signaling Devices (Sections 3.11.1 and 4.7.8); Stop Switch (Pits) (Sections 2.3.3, 4.1); Machine Rooms and Machinery Spaces: Lighting (Section 2.2.3) and Ventilation (Section 2.2.4); Check Valve (Hydraulic Elevators) (Section 4.4.2).

ii. ASME A17.1-1993 requirements for Supply Line Shutoff Valve (Rule 303.4a) and Manual Lowering Valve (Rule 303.4d)

2. Freight elevators. Elevators which are allowed to carry passengers by the authority having jurisdiction shall conform to ASME A17.1-1993 Rule 207.4 and ASME A17.3-1993 requirements for Car Frames and Platforms (Section 3.3) and Location of Car Doors and Gates (Section 3.4.3).

3. Elevators shall be equipped with emergency operation as required by ASME A.17.1-1987, Rules 211.3 through 211.4 and 211.7.

i. Phase II emergency operation shall be provided only if required by the requirements for highrise buildings contained in the supplemental requirements for each use group, N.J.A.C. 5:23- 6.12A through 6.28A. In addition, when phase II emergency operation is required, standby power shall be provided. Standby power shall be installed in accordance with the electrical subcode. The elevator powered by a standby power system shall be subject to the requirements of ANSI/ ASME A17.1-1993 Rule 211.2.

4. Escalators shall conform to ASME A17.3-1993 for Operating and Safety Devices (Section 5.3), Anti-Slide Devices (5.1.4), Handrail Guards (5.1.6), Guards at Ceiling or Soffit Intersection (5.1.3), Lighting (5.4), Distinction Between Comb and Step (5.5.2), Adjacent Floor Surfaces (5.5.3). (Elevator)

(h) Specific Occupancy Areas: Specific occupancy areas, as listed below, shall comply with the following:

1. Paint shops in other than Use Group F which contain chemicals below the exempt amount for Use Group H, waste and soiled linen collection rooms and chute termination rooms shall be separated from other portions of the building by a one hour fire partition or provided with an automatic fire suppression system.

2. Incinerator rooms in all use groups shall be separated from other portions of the building by a two hour fire separation assembly and provided with an automatic fire suppression system.

3. In Use Groups I-2 and I-3, physical plant maintenance shops, laundries in excess of 100 square feet in area and padded cells shall be separated from other portions of the building by a one hour fire partition or provided with an automatic fire suppression system. (Building)

5:23-6.31 Change of use

(a) General: The following are of general applicability to changes of use:

1. When the use of a building is changed, then the building must be brought into compliance with the requirements of this section. Each of the lettered subsections of this section establishes a specific type of requirement. This section establishes requirements for compliance with the basic requirements of this subcode, for means of egress, for enclosure of vertical openings, for height and area limitation, for exterior wall fire resistance, for fire suppression systems, for fire alarm systems, for fire detection systems, for structural soundness, for plumbing, electrical, and mechanical systems, and for accessibility.

i. Limit on new buildings undergoing a change of use: Buildings that have been occupied for their originally intended use for less than one year shall be required to comply with the requirements of the Uniform Construction Code for new construction for the proposed use.

2. The subsections governing compliance with the basic requirements, means of egress, height and area limitations, exterior wall fire resistance, and fire suppression incorporate Relative Use Group Hazard Index Tables. Compliance with the requirements of the subsection is required when the change of use will increase the relative hazard. Each of the subsections should be applied separately to the proposed new use.

3. This section may require an owner to undertake work in order to be permitted to change the use of a building or a portion of a building. Additionally, the owner of a building may wish to undertake other work not required by the section. That work must comply with the requirements for repair, renovation, alteration, and/or reconstruction applicable to the new use group in accordance with the provisions of this subcode.

4. Existing fire alarm, fire suppression and standpipe systems shall not be removed without replacement and shall be maintained in operating condition. (Fire)

(b) Compliance with Basic Requirements: Compliance with the basic requirements shall be required as follows:

TABLE B
Relative Use Group Hazard

1 (highest)	H-1, H-2, H-3
2	A-1, A-2, H-4, F-1, I-3, M, S-1
3	A-3, A-5, B, F-2, I-2, R-1, S-2
4	A-4, E, I-1, R-2 more than two stories in height or more than four dwelling units
5 (lowest)	R-2 two stories or fewer in height and four dwelling units or less, R-3, R-4, U

1. When the use of a building is changed to a higher relative use group hazard as shown in Table B above, the building shall comply with the basic requirements of N.J.A.C. 5:23-6.10 through 6.30 applied throughout the building for the new use group unless otherwise provided. Where another lettered subsection of this section establishes a requirement that differs from the basic requirement, the requirement contained in that other lettered subsection shall govern.

i. Where a portion of a building is changed to a higher relative use group hazard, the building shall comply with the basic requirements of N.J.A.C. 5:23-6.10 through 6.30 for fire suppression and fire detection and/or alarms applied throughout the building for the new use group unless the proposed use is separated from the existing use(s) by assemblies with the appropriate fire resistance rating in accordance with Table 313.1.2 of the building subcode in which case only the portion changed shall comply. The portion of the building changed shall comply with all the other basic requirements of N.J.A.C. 5:23-6.10 through 6.30 for the new use group.

2. When a change of use is made to an equal or lesser relative use group hazard as shown in Table B above, the existing building is not required to comply with the basic requirements except where required in connection with alteration or reconstruction work by the sections of this subcode applicable to alteration or reconstruction work.

3. Where the character of use of an existing building or portion thereof is changed to one of the following special use or occupancy categories as defined in the building subcode, the building or portion shall comply with the

referenced section of the building subcode specific to the special use or occupancy regardless of whether a change of use group is involved.

- i. Covered Mall Building—Section 402.0;
- ii. Atriums—Sections 404.0;
- iii. Underground Structures—Section 405.0;
- iv. Private Garages—Section 407.0;
- v. Public Garages—Section 408.0;
- vi. Motion Picture Projection Rooms, Screening Rooms and Sound Stages—Section 411.0;
- vii. Stages and Platforms—Section 412.0;
- viii. Special Amusement Buildings—Section 413.0;
- ix. HPM Facilities—Section 416.0;
- x. Hazardous Materials—Sections 417.0 and 418.0;
- xi. Spray Booths, Spray Rooms, and Spray Storage Rooms—Section 419.0. (Plan review—Building, Fire, Inspection-Building.)

4. Any fire suppression or fire detection and/or alarm requirements applicable to the special use or occupancy shall be applied throughout the entire building unless the special use or occupancy is separated from the remainder of the building by fire separation assemblies having a rating of at least two hours. (Fire)

(c) Means of Egress: The following requirements apply to means of egress in a change of use:

TABLE C
Hazard Categories and Classifications
Means of Egress

Relative Hazard	Use Classification
1 (highest)	H-1, H-2, H-3
2	I-2, I-3
3	A, E, I-1, M, R-1, R-2
4	B, F-1, R-3, R-4, S-1, H-4
5 (lowest)	F-2, S-2, U

1. For any change of use, the occupant load of the space shall be calculated based on the capacity of the exits as per N.J.A.C. 5:23-6.11(b). The occupant load shall not exceed one occupant per five square feet floor area unless the building complies with Chapter 10 of the building subcode in its entirety.

i. Where a portion of a building undergoes a change of use, the determination of the capacity of the exit(s) serving that portion shall include all spaces served by those exit(s).

2. When a change in use is made to a higher hazard category as shown in Table C above, the entire building or portion thereof shall comply with the following requirements of the building subcode or of this subcode as specified below.

i. Sections 1005.5 (Open-sided walking surfaces) and 1005.7 (Air movement in egress elements).

ii. Sections 1006.2 (Arrangement), 1006.3 (Exit discharge), 1006.4 (Remote location), 1006.5 (Length of travel), 1006.6 (Elevators, escalators and moving walks) and 1006.7 (Common path of travel).

iii. Sections 1010.2 (Minimum number) and 1010.3 (Buildings with one exit).

(1) Exception: The occupant load of the space may be restricted in order to comply with the requirements of these sections.

iv. Section 1011.4 (Corridor enclosure) and the Basic Requirements of this subcode (N.J.A.C. 5:23-6.10 through 6.30) for corridor widths.

(1) Existing lath and plaster in good condition or existing ½-inch thick gypsum wall board on both sides of the wall shall be accepted where a one-hour fire separation assembly is required by 1011.4 (Corridor enclosure).

v. Section 1012.0 (Assembly aisles and aisle accessways).

vi. Section 1013.0 (Grandstands).

vii. Section 1014.8 (Stairway egress doors) and the Basic Requirements of this subcode (N.J.A.C. 5:23-6.10 through 6.30) for stairway widths, handrails and guardrails.

viii. Section 1017.0 (Means of egress doorways) except 1017.3 (size of doors) and the Basic Requirements of this subcode (N.J.A.C. 5:23-6.10 through 6.30) for door widths.

ix. Section 1019.0 (Horizontal exits).

x. Section 1020.0 (Level of exit discharge passageways used as an exit element).

xi. Section 1023.0 (Exit signs and lights).

xii. Section 1024.0 (Means of egress lighting).

3. When a change of use is made to an equal or lesser hazard category as shown in Table C above, the existing building is not required to comply with the requirements contained in (c)2 above except in areas where reconstruction work being performed in connection with the change of use triggers these requirements.

4. When a change of use to a higher hazard category is made as shown in Table C above, vertical opening protection shall be provided for all stairs that are part of a required means of egress.

i. Where a portion of a building is changed to a higher hazard category, vertical opening protection shall be provided for all stairs that are part of a required means of egress serving the proposed use from the floor(s) on which the proposed use is located to the level of exit discharge.

5. Notwithstanding the relative hazard as determined by Table C above, where any change of use occurs to a single exit building, the building shall meet the requirements of Section 1010.3 (single exits) of the building subcode for the proposed use.

6. When a change of use is made to any residential use group (R-1, R-2, R-3 or R-4) or to Use Group I-1, every sleeping room below the fourth story shall have at least one operable window or exterior door. Where windows are provided to comply with this requirement, the window shall have a sill height of not more than 44 inches, and have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

i. An outside window or exterior door is not required in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits.

ii. An outside window or exterior door is not required in buildings equipped throughout with an automatic fire suppression system.

iii. In a building that originally was in Use Group R-3 and is returning to Use Group R-3, the windows shall be permitted to remain as they were during the time when the building previously was in use as a residence. (Plan review—Building, Fire. Inspection—Building)

(d) Enclosure of vertical openings other than stairs: The following requirements apply to enclosure of vertical openings other than stairs in a change of use:

1. For any change of use which also constitutes a change of use group, vertical openings other than stairs shall be protected as required by N.J.A.C. 5:23-6.10 through 6.30 for the proposed use within each space undergoing a change of use.

i. Exception: Atriums in compliance with Section 404 of the building subcode are not required to be enclosed.

2. Stairs shall be enclosed in accordance with N.J.A.C. 5:23-6.10 through 6.30 for the proposed use if required by (c) above. (Plan review—Building, Fire. Inspection—Building)

(e) Height and Area Limitations: The following height and area limitations apply in a change of use:

TABLE E
Hazard Categories and Classifications
Height and Area

Relative Hazard	Use Classification
1 (highest)	A-2, H-1, H-2, I-2, I-3
2	A-1, A-3, E, F-1, H-3, H-4, M, I-1, S-1
3	A-4, B, R-1, R-2
4 (lowest)	F-2, R-3, R-4, S-2, U

1. When a change of use is made to a higher hazard category as shown in Table E above, the height and area of the building shall meet the limitations of chapter 5 of the building subcode for the proposed use group.

i. Exception: One and two story buildings in use groups other than H may exceed the floor area permitted by Table 503 of the building subcode by up to 25 percent of the existing floor area without providing fire separation.

2. When a change of use is made to an equal or lesser hazard category as shown in Table E, the existing building may continue to exceed the maximum allowable height and area permitted for new buildings.

3. Where a change of use is made in a mixed use building or a single use building is changed to a mixed use building, and any of the proposed uses is a higher category as per Table E, the building shall comply with one or any combination of the following:

i. Nonseparated use groups: The maximum allowable height and area shall be determined by applying the more restrictive of the height and area limitations of each use group, as per Table 503 of the building subcode, to the entire building.

(1) One and two story buildings of all use groups, except H, are permitted to exceed that allowable area by 25 percent.

(2) Occupancies of Use Group H shall not be permitted to be unseparated when located in the same building as Use Groups A, E, I, M, R, or non-accessory Use Group B.

(3) Accessory occupancies in compliance with Section 302.1.2 of the building subcode are not required to comply with this requirement.

(4) When a change of use is made such that any non-residential use is located below a residential use, a one-hour fire separation shall be provided between the use groups. The exits from the residential floors shall be separately enclosed.

ii. Separated use groups: Each portion of the building containing a use group shall be completely separated from adjacent use groups by fire separation assemblies and floor/ceiling assemblies having a fire resistance determined in accordance with Table 313.1.2 of the building subcode. For buildings equipped throughout with an automatic fire suppression system, the required fire resistance rating for use groups other than H is permitted to be reduced by

one hour, but shall not be reduced to less than one hour. Each portion of the building shall comply with the height limitation of Table 503 of the building subcode for that use group. In each story, the area shall be such that the sum of the ratios of the floor area of each use group divided by the allowable area of Table 503 of the building subcode for each use group shall not exceed 1.0 for buildings three or more stories in height, and 1.25, for one and two story buildings.

(1) Exception: Accessory occupancies in compliance with Section 302.1.2 of the building subcode are not required to comply with this requirement.

iii. Separate buildings: If each use group is separated from other uses by fire walls that meet the requirements of Table 602 of the building subcode, then each use shall be considered a separate building. Each building shall comply with the height and area limitation of Table 503 of the building subcode. One and two story buildings of all use groups, except H, are permitted to exceed the allowable area of the new use group by 25 percent.

(1) Exception: Accessory occupancies in compliance with Section 302.1.2 of the building subcode are not required to comply with this requirement.

4. Change of use of an unlimited area building shall comply with the provisions of Section 507 of the building subcode for the proposed use. (Plan review—Building, Fire, Inspection-Building)

(f) Exterior Wall Fire Resistance Ratings and Maximum Area of Exterior Wall Openings: The following exterior wall fire resistance ratings and maximum area of exterior wall openings apply in changes of use:

TABLE F
Hazard Categories and Classifications
Exposure of Exterior Walls

Relative Hazard	Use Classification
1 (highest)	H
2	Buildings exceeding 12,000 sq ft of F-1, M or S-1
3	A, B, E, F-2, I, R-1, S-2 Buildings 12,000 sq ft or less of F-1, M or S-1
4 (lowest)	R-2, R-3, R-4, U

1. Exterior Wall Protection: If the use group of a building is changed to a higher hazard classification in accordance with Table F, the requirements for exterior wall fire resistance rating in the table below shall be met.

Requirements for Exterior Wall Fire Resistance Rating
Building Use Group^b

Fire Separation Distance	H-2	F-1, H-3, M, S-1	A, B, E, F-2, S-2, H-4, I, R-1
0-5 FEET	4	3	2 ^a
Over 5-10 feet	3	2 ^a	1
Over 10-15 feet	2	1	0

Fire Separation Distance	Building Use Group ^b		
	H-2	F-1, H-3, M, S-1	A, B, E, F-2, S-2, H-4, I, R-1
Over 15-30 feet	1	0	0
Over 30 feet	0	0	0

Note a. Existing eight-inch hollow or six-inch solid masonry walls shall be accepted as a two hours rating in other than Use Group H-2 or H-3.

Note b. When the use group of a building is changed to H-1, the building shall be located in accordance with Table F3004.3 of the BOCA Fire Prevention Code.

i. Exterior wall protection shall not be required when the height of each building and the aggregate area of all buildings on the same lot are within the limitations of Table 503 of the building subcode.

ii. Where a portion of a building is changed to a higher hazard classification, exterior walls and openings of the entire building shall comply with the provisions of this section. If the proposed use is separated from the rest of the building by walls with the appropriate fire resistance rating in accordance with Table 313.1.2 of the building subcode, then only the portion changed must comply with the provisions of this section.

iii. When a change of use is made to an equal or lesser hazard classification as shown in Table F, no change in the rating of existing exterior walls is required.

iv. The fire resistance rating of non-loadbearing exterior walls may be reduced by one hour in buildings equipped throughout with an automatic fire suppression or sprinkler system. Exceptions shall be as provided in Section 705.2.4 of the building subcode, as follows:

(1) Exception: Where the fire separation distance is five feet or less, the fire resistance rating shall not be reduced to less than one hour.

(2) Exception: The rating of non-loadbearing exterior walls shall not be reduced in buildings of Use Group H.

2. Exterior Wall Openings: If the use group of a building is changed to a higher hazard classification in accordance with Table F, the requirements for exterior wall openings in the table below shall be met.

Use Group	Exterior Wall Requirements
H	No opening permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of 20 feet or less.
A-1, A-2, A-3, A-4, B, E, F-1, I-1, I-2, I-3, M, S-1, R-1	No openings permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of 10 feet or less.

F-2, S-2

No openings permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of five feet or less.

Newly created openings in Use Group R-2, R-3, and R-4 with a fire separation distance of three feet or less shall be provided with opening protectives.

i. If the building is provided with an automatic fire suppression system throughout, the amount of unprotected openings shall be permitted to be increased to the limit for protected openings.

ii. In all occupancies other than Use Group H, unlimited unprotected openings are permitted in the first story of exterior walls facing a street which have a fire separation distance of greater than 15 feet, or facing unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall not be less than 30 feet in width and shall have access from a street by a posted fire lane not less than 18 feet in width.

iii. When a change of use is made to an equal or lesser hazard classification as shown in Table F, no change in existing exterior wall openings is required. (Plan review—Building, Fire. Inspection-Building)

(g) Fire Suppression Systems: The following fire suppression system requirements apply in changes for use.

TABLE G
Hazard Categories and Classifications
Fire Suppression

Relative Hazard	Use Classification
1 (highest)	H, I
2	A-2, R-1, R-2
3	A-1, A-3
4	F-1, M, S-1
5	A-4, E
6 (lowest)	B, F-2, R-3, R-4, S-2, U

1. When a change of use is made to a higher hazard category as shown in Table G, the building shall be provided with an automatic fire suppression system as required by the following sections of the building subcode: Section 904.2 of the building subcode for Use Groups A-1, A-3 and A-4, Section 904.3 of the building subcode for Use Group A-2, Section 904.4 of the building subcode for Use Group E, Section 904.5 of the building subcode for Use Group H, Section 904.6 of the building subcode for Use Group I, Section 904.7 of the building subcode for Use Groups F-1, M and S-1, Section 904.8 of the building subcode for Use Group R-1. Section 904.9 of the building subcode for Use Group R-2 and Section 904.10 of the building subcode for windowless stories.

i. When a portion of a building is changed to a higher hazard category and the proposed use is separated from the existing use(s) by assemblies that meet the applicable fire rating in Table 313.1.2 of the building subcode, an automatic fire suppression system as required above shall be installed only in the portion changed.

2. When a change of use is made to an equal or lesser hazard category as shown in Table G, there is no requirement to install a suppression system except in areas where work being performed in connection with the change of use triggers a requirement for suppression and in windowless stories in accordance with N.J.A.C. 5:23-6.30(c) of this subchapter.

3. Notwithstanding the relative hazard as determined by Table G, when a change in the character of the use is made to a higher degree of hazard as defined by NFPA 13 (Light Hazard, Ordinary Hazard Group 1, Ordinary Hazard Group 2, Extra Hazard Group 1, Extra Hazard Group 2 and Special Occupancy Hazards), the sprinkler system shall be evaluated and, where required by NFPA 13, altered to conform to the required density and maximum sprinkler protection area per head for the proposed occupancy. (Fire)

(h) Fire Alarm Systems: When a change of use is made to any of the following use groups, a fire alarm system shall be installed in accordance with Section 918.0 of the building subcode. Where a portion of a building is changed to any of the following use groups, a fire alarm system shall be installed throughout the building in accordance with Section 918.0 of the building subcode unless the proposed use is separated from the other use(s) in the building by assemblies with the appropriate fire resistance rating in accordance with Table 313.1.2 of the building subcode in which case only the portion changed shall comply. (For purposes of applying this section, horizontal separation shall not be considered.)

1. Use Group A-4 or E: A fire alarm system shall be installed and maintained as required by Section 918.4.1 of the building subcode.

2. Use Group B: A fire alarm system shall be installed and maintained as required by Section 918.4.2 of the building subcode.

3. Use Group H: A fire alarm system shall be installed and maintained as required by Section 918.4.3 of the building subcode.

4. Use Group I: A fire alarm system shall be installed and maintained as required by Section 918.4.4 of the building subcode.

5. Use Group R-1: A fire alarm system shall be installed and maintained as required by Section 918.4.5 of the building subcode.

6. Use Group R-2: A fire alarm system shall be installed and maintained as required by Section 918.4.6 of the building subcode. (Fire)

(i) Automatic Fire Detection Systems: When a change of use is made to any of the following use groups, an automatic fire detection system shall be installed in accordance with Section 919.0 of the building subcode. Where a portion of a building is changed to any of the following use groups, an automatic fire detection system shall be installed throughout the building in accordance with Section 919.0 of the building subcode unless the proposed use is separated from the other use(s) in the building by assemblies with the appropriate fire resistance rating in accordance with Table 313.1.2 of the building subcode in which case only the portion changed shall comply. (For purposes of applying this subsection, horizontal separation shall not be considered.)

1. Use Group I-1: An automatic fire detection system shall be installed and maintained as required by Section 919.4.1 of the building subcode.

2. Use Group I-2: An automatic fire detection system shall be installed and maintained as required by Section 919.4.2 of the building subcode.

3. Use Group I-3: An automatic fire detection system shall be installed and maintained as required by Section 919.4.3 of the building subcode.

4. Use Group R-1: An automatic fire detection system shall be installed and maintained as required by Section 919.4.4 of the building subcode.

5. Exception: A fire detection system is not required in the above use groups when the building is equipped throughout with an automatic fire sprinkler system installed in accordance with Sections 906.2.1 or 906.2.2 of the building subcode. These buildings are required to be provided with a fire alarm system installed in accordance with Section 918.0 of the building subcode. (Fire)

(j) Single and Multiple Station Smoke Detectors: When a change of use is made to any of the following use groups, single and multiple station smoke detectors shall be installed in accordance with Section 920.0 of the building subcode.

1. Use Group R-1: Single or multiple station smoke detectors shall be installed and maintained as required by Section 920.3.1 of the building subcode.

2. Use Group R-2, R-3 and R-4: Single or multiple station smoke detectors shall be installed and maintained as required by Section 920.3.2 of the building subcode.

3. Use Group I-1: Single or multiple station smoke detectors shall be installed and maintained as required by Section 920.3.3 of the building subcode. Single or multiple station smoke detectors shall not be required where the building is equipped throughout with an automatic detection system in accordance with Section 919.4.1 of the building subcode.

4. Where the use of a portion of a building is changed such that any nonresidential use is located below one or more dwelling units (including single room occupancies), single or multiple station smoke detectors shall be installed in the nonresidential portion(s) of the building in accordance with NFPA 72 and provided with an audible alarm located within each dwelling unit of the residential portion of the building. The detectors shall be AC powered with battery back-up. Hard-wired, interconnected smoke detectors installed throughout the building shall be accepted as meeting this requirement. (Fire)

(k) Carbon monoxide alarms: When the use of a building is changed to Use Group I-1, R-1 or R-2, or to Use Group R-3 when the dwelling unit is located in any building required to be registered as a multiple dwelling, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any room or dwelling unit in a building that contains a fuel-burning appliance or has an attached garage. (Fire)

1. Exception: Rooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The room or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The room or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.

(l) Structural Requirements: The following structural requirements shall apply in changes of use:

TABLE K Structural Load Categories	
Load Category	Use or Character of Use

1 (highest)	F-1, F-2, S-1, S-2, stack areas in libraries, stages and platforms, areas subject to vehicular loads, queuing areas
2	All loading conditions not listed in category 1 or 3
3 (lowest)	B, E, I-1, I-2, I-3, R-1, R-2, R-3, R-4

1. When the use or the character of use of a building is changed to a higher load category as shown in Table K above, then the structure shall be capable of supporting the load requirement for the new use or character of use as specified in Table 1606 of the building subcode.

i. If the building subcode official determines that the number of occupants or the placement and weight of furniture and equipment can be controlled by the occupants, the areas designed for the reduced live load shall be posted with the approved live load. Placards stating the allowable live loads shall be posted. Placards may state loads in forms usable by the occupants, in addition to posting the allowable load in pounds per square foot. Such information shall be developed by a licensed design professional and be approved by the subcode official.

(1) Analysis and test methods for evaluation of existing structural members shall use methods specified in the code in effect at the time the building was originally constructed or other standards as approved by the subcode official.

ii. The corridor and lobby loading requirements of Table 1606 shall be met only if the corridor exceeds six feet in width or if the lobby or corridor area is used for queuing purposes.

2. Where the use or character of use within an existing building is changed to an equal or lower load category as shown in Table K above, then the existing structure may be used without modification, provided that the building is structurally sound and in good structural repair.

3. When a change of use results in a building being reclassified into one of the following occupancies, the building shall comply with the seismic design requirements of Section 1610.0 of the building subcode: Fire, rescue and police station; Use Group I-2 having surgery or emergency treatment facilities; emergency preparedness centers; post-earthquake recovery vehicle garages; power-generating stations and other utilities required as emergency backup facilities; primary communication facilities; highly toxic materials as defined by Section 307.0 of the building subcode where the quantity of material exceeds the exempt amount as per Section 307.8 of the building subcode. (Building)

(m) Plumbing Requirements: When the character of the use of a building or portion of a building is changed, the following plumbing provisions shall apply:

1. The fixture requirements for the proposed new use shall comply with the basic requirements for that use.

2. If the new use is a food handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas except where it is the only practical alternative. Where new lines are to be installed, they shall be protected in accordance with the plumbing subcode.

3. New uses that will produce grease or oil laden wastes shall be provided with interceptors as required in the plumbing subcode.

4. If the new use produces chemical wastes, the following shall apply:

i. If the existing piping is compatible with the chemical waste, no change to the existing piping material is required.

ii. If the existing piping is not compatible with the chemical waste, either the waste must be neutralized prior to entering the drainage system or the piping must be changed to a compatible material.

iii. No chemical waste shall discharge to a public sewer system without the approval of the sewage authority.

5. Where a building's use is changed to a health care facility, the requirements of chapter 14 of the plumbing subcode shall apply. (Plumbing)

(n) Electrical Requirements: The following electrical requirements shall apply in changes of use:

1. When the character of the use of a building or portion thereof is changed to one of the following special occupancies as described in chapter 5 of the electrical subcode, the electrical wiring and equipment of the building or portion thereof that contains the proposed use shall comply with all applicable requirements of the electrical subcode regardless of whether a change of use group is involved:

- i. Hazardous (classified) Locations;
- ii. Commercial Garages, Repair and Storage;
- iii. Aircraft Hangars;
- iv. Gasoline Dispensing and Service Stations;
- v. Bulk Storage Plants;
- vi. Spray Application, Dipping, and Coating Processes;
- vii. Health Care Facilities;
- viii. Places of Assembly;

ix. Theaters, Audience Areas of Motion Picture and Television Studios and Similar Locations;

x. Motion Picture and Television Studios and Similar Locations; and

xi. Agricultural Buildings.

2. When the use of a building is changed to Use Group R-2, R-3 or R-4, the electrical wiring and equipment of the building shall comply, at a minimum, with the Basic Requirements of this subcode for that use and shall have the electrical service (conductors and equipment) sized and rated in accordance with the electrical subcode. (Electrical)

(o) Mechanical Requirements: When the character of the use of a building is changed, the following mechanical provisions shall apply:

1. All spaces intended for human occupancy shall be provided with natural or mechanical ventilation. A building intended to be used as public school shall be mechanically ventilated.

i. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

ii. Spaces intended to be mechanically ventilated shall comply with the following:

(1) If the occupancy of a building is changed and the new occupancy would require the same or a lesser amount of outdoor air based on the equations below, no change to the mechanical ventilation system is required.

(2) If the occupancy of a building is changed and the new occupancy would require a greater amount of outdoor air based on the equations below, the HVAC system shall be upgraded to satisfy the requirements of Table N below for the new occupancy. As an alternative to providing the amount of outdoor air required by Table N below, the indoor air quality procedure of ASHRAE 62-89 can be used.

(3) Residential buildings that are intended to be mechanically ventilated shall be provided with the ventilation specified in the mechanical subcode.

(4) When the use of a building is changed to a health care facility, mechanical ventilation shall be provided as required by the mechanical subcode and N.J.A.C. 5:23-3.2(b).

(5) When the use group of a building is changed to B or E and the building is a class one or class two building, a test and balance report shall be submitted prior to the issuance of a certificate of occupancy.

2. A commercial hood and an automatic fire suppression system that comply with the mechanical subcode shall be required for commercial cooking equipment producing grease-laden vapors, except in Use Groups R-2, R-3 and R-4. No suppression system shall be required for completely enclosed ovens, steam tables or similar equipment.

i. Exception: Bed and breakfast homestay facilities, which are designed to accommodate five or fewer guests, shall not be required to comply with this provision. (Building)

TABLE N
Outdoor Air Rates Based on Occupancy Type

Occupancy	P/1,000 sq. ft.	CFM/ person
Storage Warehouses	5	10
Correction Facilities		
Dining Halls	100	15
Guard Stations	40	15
Dry Cleaners, laundries		
Coin oper dry cleaner	20	15
Coin oper laundries	20	15
Education		
Auditoriums	150	15
Classrooms	50	15
Libraries	20	15
Music Rooms	50	15
Food & Bev Service		
Dining Rooms	70	15
Kitchens (cooking)	20	15
Hospitals, Nursing & Convalescent Homes		
Med Procedure Rooms	20	15
Physical Therapy	20	15
Recovery and ICU	20	15
Hotels, Motels, Resorts, Dormitories		
Assembly Rooms	120	15
Dormitory Sleep Areas	20	15
Lobbies	30	15
Specialty Shops		
Barber	25	15
Florists	8	15
Hardware, drug, fabric	8	15
Reducing Salons	20	15
Supermarkets	8	15
Theaters		
Auditoriums	150	15
Stages and Studios	70	15
Transportation		
Platforms	100	15

Occupancy	P/1,000 sq. ft.	CFM/ person
Vehicles	150	15
Waiting Rooms	100	15
Workrooms		
Bank Vaults	5	15
Meat Processing ^a	10	15
Pharmacy	20	15
Photo Studios	10	15
Sports and Amusement		
Spectator Areas	150	15
Correctional Facilities		
Cells	20	20
Education		
Laboratories	50	20
Training Shops	30	20
Food & Bev Service		
Cafeteria, fast food	100	20
Hotels, Motels, Resorts, Dormitories		
Conference Rooms	50	20
Dry Cleaners		
Commercial Laundry	10	25
Hospitals, Nursing and Convalescent Homes		
Patient Rooms	10	25
Specialty Shops		
Beauty	25	25
Dry Cleaners, Laundries		
Commercial Dry Cleaner	30	30
Food & Bev Service		
Bars & Cocktail Lounges	100	30
Dry Cleaners, Laundries		
Storage, Pick-up	30	35
Smoking Lounges	70	60
Offices		
Conference Rooms	50	20
Office Spaces	7	20
Reception Areas	60	20
Telecommunication Ctrs & Data Entry	60	20
Theaters		
Lobbies	150	20
Ticket Booths	60	20
Sports and Amusement		
Playing floors (gym)	30	20
Sports and Amusement		
Ballrooms and Discos	100	25

Occupancy	P/1,000 sq. ft.	CFM/ person
Bowling Alleys (Seating areas)	70	25
Game Rooms	70	25
Hospitals, Nursing & Convalescent Homes Operating Rooms	20	30
Hotels, Motels, Resorts, Dormitories Gambling Casinos	120	30
Occupancy	CFM/ sq. ft.	
Education		
Corridors	0.1	
Locker Rooms	0.5	
Hospitals, Nursing and Convalescent Homes Autopsy Rooms	0.5	
Public Spaces		
Corridors and Utilities	0.5	
Elevators	1.0	
Locker & Dressing Rooms	0.5	
Public Restrooms	75 cfm per water- closet or urinal	
Retail Stores, Sales Floors and Showroom Floors		
Basement and Street	0.3	
Dressing Rooms	0.2	
Malls and Arcades	0.2	
Shipping and Receiving	0.15	
Storage Rooms	0.15	
Upper Floors	0.2	
Warehouses	0.05	
Specialty Shops		
Automotive Service	1.5	
Clothes and Furniture	0.3	
Pet Shops	1.0	
Sports & Amusement		
Ice Arenas	0.5	
Swimming Pools (Pool & Deck Area)	0.5	
Storage		
Repair Garages/Public Garages	1.5	
Workrooms		
Darkrooms	0.5	
Duplicating	0.5	

Note: P/1,000 sq. ft. = persons per 1,000 square feet of building area.

Note a. Spaces unheated or maintained below 50 degrees F are not covered by these requirements unless the occupancy is continuous.

Where the ventilation rates in Table N are based on CFM/person

(1) $OL_n \times V_n$ is less than or equal to $OL_e \times V_e$ + no upgrade

(2) $OL_n \times V_n$ is greater than $OL_e \times V_e$ + upgrade

Where the ventilation rates in Table N are based on CFM/square footage

(3) $SF_n \times V_n$ is less than or equal to $SF_e \times V_e$ + no upgrade

(4) $SF_n \times V_n$ is greater than $SF_e \times V_e$ + upgrade

Where the ventilation rates in Table N are based on CFM/square footage and CFM/person

(5) $OL_n \times V_n$ is less than or equal to $SF_e \times V_e$

(6) $OL_n \times V_n$ is greater than $SF_e \times V_e$

(7) $SF_n \times V_n$ is less than or equal to $OL_e \times V_e$

(8) $SF_n \times V_n$ is greater than $OL_e \times V_e$

Where:

OL_n = the occupant load of the proposed occupancy based on Table N. When accepted by the administrative authority this occupant load can be reduced.

OL_e = the occupant load of the existing occupancy based on Table N.

SF_n = the square footage of the proposed occupancy.

SF_e = the square footage of the existing occupancy.

V_n = the ventilation rate for the proposed occupancy based on Table N.

V_e = the ventilation rate for the existing occupancy based on Table N.

(p) Accessibility Requirements: The following accessibility requirements shall apply in changes of use:

1. The change of use of a building of 10,000 square feet or more total gross enclosed floor area shall comply with all applicable provisions of the barrier free subcode, N.J.A.C. 5:23-7.

2. The change of use of a building of less than 10,000 square feet total gross enclosed floor area shall be exempt from the provisions of the barrier free subcode, except as follows:

i. An alteration project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.6.

ii. A reconstruction project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.7.

3. In a building of any size, where there is a change of use of an area of 10,000 square feet or more, the proposed new use shall comply with the requirements of the barrier free subcode, N.J.A.C. 5:23-7.

4. In a building of any size, where there is a change of use of an area of less than 10,000 square feet, the proposed new use shall be exempt from the provisions of the barrier free subcode, except as follows:

i. A renovation project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.5.

ii. An alteration project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.6.

iii. A reconstruction project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.7. (Building)

(q) Change of use to a bed and breakfast shall be done in compliance with N.J.A.C. 5:23-9.8. (Plan review—Building, Fire. Inspection—Building)

Administrative correction.

See: 30 N.J.R. 539(a).

Amended by R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Inserted (k); and recodified existing (k) through (p) as (l) through (q).

5:23-6.32 Additions

(a) Any addition to a building or structure shall comply with the requirements of the Uniform Construction Code applicable to new construction.

1. Any repair, renovation, alteration or reconstruction work undertaken within an existing building in connection with an addition shall comply with the requirements of this subchapter.

(b) No addition shall create or extend any non-conformity in the existing building to which the addition is constructed with regard to accessibility, structural strength, egress capacity, exit access travel distance or the capacity of mechanical, plumbing, electrical or fire protection system provisions of the basic requirements of this subcode.

(c) No addition shall increase the height of an existing building beyond that permitted under the applicable provisions of the building subcode for a new building of the same use group. (Plan review—Building, Fire. Inspection—Building)

(d) No addition shall increase the area of an existing building beyond that permitted under the applicable provisions of the building subcode unless a fire wall is provided in accordance with Section 313.1.3 of the building subcode.

1. Exception: Existing one and two story buildings may be expanded beyond what is permitted by Table 503 of the building subcode by up to 25 percent of the existing floor area without providing fire separation. This exception may be applied only once in the life of the building or may be used in increments that total not more than 25 percent over the life of the building.

2. Infilling of floor openings, such as elevator and exit stair shafts, and the addition of mezzanines and equipment penthouses shall be permitted as allowed by the building subcode. (Plan review—Building, Fire. Inspection—Building)

(e) Where an addition increases or extends the size of a fire area beyond that allowed by Chapter 9 of the building subcode, suppression shall be provided throughout the fire area unless the addition is separated from the existing building by a fire separation assembly in accordance with Section 313.1.2 of the building subcode.

1. Exception: This requirement shall not apply to increases to the floor area of the building of less than five percent. (Fire)

(f) Whenever an addition is made to a detached, single family dwelling of Use Group R-3 or R-4, smoke detectors shall be installed in accordance with the following:

1. If the area of the addition is 25 percent or more of the floor area of the largest floor of the existing building, smoke detectors complying with the building subcode shall be installed throughout the addition and the existing building.

2. If the area of the addition is five percent or more, but less than 25 percent, of the floor area of the largest floor of the existing building, hardwired, interconnected smoke detectors with battery back-up meeting the requirements of NFPA 72, except as otherwise provided in the building or fire protection subcode, shall be installed and maintained in each story in the dwelling unit, including basements. (Fire)

(g) All additions shall comply with the requirements of the barrier free subcode (N.J.A.C. 5:23-7), where applicable.

1. The addition shall include accessible entrance(s) unless the requirement that 50 percent of the building entrances be accessible has been met in the existing building. (For purposes of calculating the number of accessible entrances required, all entrances in the existing building and planned for the addition shall be included.)

i. If the only accessible entrance to the addition is located in the existing building or facility, at least one interior accessible route shall provide access through the existing building to all rooms, elements, or spaces in the addition.

2. If there are no toilet rooms in the addition, accessible toilet facilities that comply with Section 1110 of the barrier free subcode shall be provided in the existing building. (Building)

(h) Structural loads: The following concern structural loads in changes of use:

1. An addition shall not impose new loads which would cause the existing building to be subject to stresses exceeding those permitted by the building subcode.

2. An addition shall not increase the forces in any structural element of the existing building or structure by more than five percent, unless the increased forces on the element are still in compliance with the building subcode for new structures.

3. An addition shall not decrease the strength of any structural element of the existing building or structure unless the element still exceeds the strength required by the building subcode for new structures. (Building)

5:23-6.33 Historic buildings

(a) Except as provided for in this section, historic buildings shall comply with the provisions of this subcode relating to the repair, renovation, alteration, restoration, reconstruction, movement and/or change of use of structures.

1. For purposes of applying this section, historic buildings shall include any building that meets one or more of the following criteria:

i. Buildings listed on the New Jersey or National Registers of Historic Places either individually or as a contributing building to a historic district;

ii. Buildings that have been issued a Determination of Eligibility by the Keeper of the National Register of Historic Places;

iii. Buildings identified as contributing buildings to Local Historic Districts which have been certified by the Keeper of the National Register as substantially meeting the National Register Criteria; or

iv. Buildings with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing building to a historic district.

2. Variations: Building owners wishing to use an alternative to compliance with specific provisions of this subcode shall submit request(s) for variations in writing in accordance with N.J.A.C. 5:23-2.10. Requests for variations shall identify all nonconformities with the requirements of this subcode and shall include: a statement of the requirements of this subcode from which a variation is sought, a statement of the manner by which strict compliance with the provisions of this subcode would result in practical difficulties or would detract from the historic character of the building and a statement of feasible alternatives to the requirements of this subcode that would adequately protect the health, safety and welfare of the intended occupants and of the public generally.

i. The provisions of N.J.A.C. 5:23-2.10, Variations, notwithstanding, a variation may be granted where no feasible alternative to the strict requirements of the subcode exists, provided that the owner submits a finding by a qualified architect that the feature of the building which cannot be brought into strict compliance with the requirements of this subcode is essential to maintaining the historical value and character of the building. Any such finding submitted in support of a variation application shall be in writing and shall state the basis and reasons for the finding.



3. Barrier Free Requirements: All buildings undergoing rehabilitation or change of use shall comply with the requirements of N.J.A.C. 5:23-7.1(b)17 except when compliance is technically infeasible. Unless the historic character of the building would be threatened or destroyed, there shall be, at a minimum, at least one accessible route from an accessible parking space, public transportation stop or passenger loading zone to an accessible entrance, at least one accessible entrance, an accessible route from the accessible entrance to all publicly-used spaces on the level of the accessible entrance, and, when toilet facilities are provided, at least one accessible toilet facility. (Building)

4. When a historic building is used as a historic museum, the building shall be classified as Use Group B provided that the following conditions are met:

i. A limit on occupancy; not to exceed 50, is set by the construction official based on egress capacity and travel distance using the following parameters:

(1) For buildings with a single means of egress, occupancy shall be limited to the first and second floors, and the travel distance shall not exceed 75 feet;

(2) Two means of egress shall be required from all floors above the second floor where occupancy is permitted.

ii. There is supervision by a guide or other employee or volunteer knowledgeable in the emergency exiting procedures during all times that the building is occupied by visitors. (Plan review—Building, Fire. Inspection—Building)

(b) Special provisions: Historic buildings undergoing repair, renovation, alteration, restoration or reconstruction consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties may comply with the following in lieu of compliance with the corresponding requirements of this subcode.

1. Materials and methods: Original or replica materials and original methods of construction may be used, subject to the provisions of this section.

i. Exception: Components of building systems hidden from public view, including but not limited to electrical equipment and wiring, plumbing equipment and piping and heating equipment, shall comply with N.J.A.C. 5:23-6.8, Materials and methods. (Plan review—Building, Fire. Inspection—Building)

2. Exterior Walls: Exterior walls shall not be required to be modified to meet the requirements for fireresistive wall construction. (Plan review—Building, Fire. Inspection—Building)

3. One hour fireresistive assemblies: Where one hour fireresistive construction is required by this subcode, it need not be provided regardless of construction or occu-

pancy where the existing wall and ceiling finish is lath and plaster. (Plan review—Building, Fire. Inspection—Building)

4. Roof covering: Historic buildings shall meet the intent of Section 1505.0 of the building subcode, but shall not be required to meet Section 1507.0. The existing type of roof covering may be continued or replaced with the same materials or the preexisting materials may be replaced or restored if the materials are documented to be historic. (Building)

5. Means of Egress: Existing door openings and corridor and stairway widths of less than that specified in N.J.A.C. 5:23-6.10 through 6.30 may be approved, provided that, in the opinion of the subcode official, there is sufficient width and height for a person to pass through the opening or traverse the exit. (Plan review—Building, Fire. Inspection—Building)

6. Doors: The existing front or main exit doors need not swing in the direction of exit travel when serving fewer than 50 people or when other approved exits having sufficient capacity to serve the total occupant load are provided.

i. Existing or replica hardware shall be permitted provided that no life safety hazard is created and that the hardware meets the intent of the barrier free subcode if applicable (that is, operable without pinching, grasping or twisting.) Existing or replica hardware may be fixed in place or modified to meet the intent of the barrier free subcode. (Plan review—Building, Fire. Inspection—Building)

7. Transoms: Existing transoms in corridors and other fire rated walls may be retained in accordance with this subcode. (Plan review—Building, Fire. Inspection—Building)

8. Interior Finishes: The existing finishes or replacement finishes on corridor walls and ceilings may be accepted where it is demonstrated that it is the historic finish.

i. In buildings other than Use Group R-3, finishes in exitways shall have a flame-spread classification of Class III or better. Existing nonconforming materials shall be surfaced with an approved fire-retardant paint or finish unless the building is equipped throughout with an automatic fire suppression system installed in accordance with the building subcode. (Plan review—Building, Fire. Inspection—Building)

9. Stairways: Stairways shall comply with the following:

i. Enclosure: Stairway enclosures may be omitted in a historic building for that portion of the stair serving the first and second floor. This provision shall be applied to only one stair per building.

(1) In buildings of three stories or less, exit enclosure construction shall limit the spread of smoke by

the use of tight fitting doors and solid elements. Such elements shall not require a fireresistance rating.

ii. Riser height and tread width: When stairs are replaced or repaired, the existing or original riser height and tread width shall be permitted to remain. (Plan review—Building, Fire. Inspection—Building)

10. Railings: Railings shall comply with the following:

i. Handrails: Existing handrails may remain or may be replaced with handrails matching the original handrails.

ii. Guardrails: For vertical drops of between 30 inches and 48 inches, a rail height of at least 30 inches shall be accepted and the existing or original baluster spacing shall be permitted to remain.

(1) Exception: Replacement guardrails in buildings of Use Group E or R-1 shall comply with Section 1021.0 of the building subcode. (Plan review—Building, Fire. Inspection—Building)

11. Exit Signs: The fire protection subcode official may accept alternate exit sign design and/or location where strict compliance would damage the historic character of the building. Alternative signs shall identify the exits and exit path. (Plan review—Building, Fire. Inspection—Building)

12. Ceiling height: Existing ceiling heights shall be permitted to remain.

i. Exception: Buildings of Use Group R-1 or R-2 shall comply with the applicable requirements of the Hotel and Multiple Dwelling Regulations (N.J.A.C. 5:10) or shall obtain an exception under those rules. (Building)

(c) Relocated historic buildings: The following apply to relocated historic buildings:

1. Foundations of relocated historic buildings and structures shall comply with the building subcode. (Building)

2. Relocated historic buildings shall be so sited that exterior walls and openings comply with the requirements of the building subcode. (Plan review—Building, Fire. Inspection—Building)

(d) Special change of use provisions: Compliance with the following and with the provisions of (b) above shall be permitted for any change of use of a historic building provided that the restoration of the building is being performed consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties.

1. Building Area: The floor area for historic buildings undergoing a change of use to a higher hazard category as per Table E of N.J.A.C. 5:23-6.30 may exceed the allowable areas specified in the building subcode for the proposed use group by 50 percent. (Plan review—Building, Fire. Inspection—Building)

SUBCHAPTER 7. BARRIER FREE SUBCODE

Law Review and Journal Commentaries

Disability Law: Public Accommodations and the ADA. David J. Popiel, 170 N.J.Law. 16 (Mag.) (July 1995).

Disability Law: Housing Discrimination and the Disabled. David P. Lazarus, Susan DiMaria, 170 N.J.Law. 20 (Mag.) (July 1995).

5:23-7.1 Applicability

The provisions of this subchapter shall apply to all buildings, including their associated sites and facilities, and portions thereof, unless exempted by this subchapter. This subchapter shall be interpreted to require access for people with disabilities, including, but not limited to, occupants, employees, consumers, students, spectators, participants, or visitors.

Repeal and New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Section was "Accessibility Standards".

5:23-7.2 Accessibility standards

(a) The Council of American Building Officials/American National Standards Institute standard (CABO/ANSI), A117.1-92, entitled Technical Standards for Accessible Design, is adopted by reference without modification. Copies of CABO/ANSI A117.1 may be obtained from ANSI at 11 West 42nd Street, New York, NY 10036.

(b) Dimensions and construction specifications for sites, buildings, and structures required by this subchapter to be accessible shall comply with CABO/ANSI A117.1-92.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.2, Recreation, recodified to N.J.A.C. 5:23-7.15.

5:23-7.3 Exemptions

(a) The following nonresidential buildings or structures shall be exempt from this subchapter:

1. Temporary structures, sites and equipment directly associated with the construction process, such as construction site trailers, bridging, or material hoists shall be exempt from the provisions of this subchapter;

i. Exception: Construction site trailers used as sales offices shall be accessible;

(d) Post abatement sampling and analysis for an asbestos hazard abatement project shall be performed as per EPA 40 CFR 763.90i. Samples collected within the affected work area shall be analyzed by TEM.

(e) Post abatement sampling and analysis for an asbestos hazard abatement project utilizing the glovebag technique and encapsulation shall be as follows:

1. One sample per 10,000 square feet of work area with a minimum of five samples shall be required. Samples collected within the affected work area may be analyzed by PCM to confirm completion of an asbestos abatement project using the methodology specified in NIOSH 7400.

(f) For TEM analysis, the project shall be considered complete when the results of samples collected in the affected work area comply with 40 CFR 763.90 and Appendix A to Subpart E. Maximum turnaround time from sample collection through data reporting shall be 72 hours.

(g) For PCM analysis, the project shall be considered complete when the results of samples collected in the affected work area show that the concentration of fibers for each of the five samples is less than or equal to 0.01 fibers per cubic centimeter.

(h) When the air analysis results for projects covered by this subchapter show asbestos fiber concentrations above the acceptance criteria, then clean-up shall be repeated until compliance is achieved by re-cleaning all surfaces using wet methods and operating all HEPA equipped air pressure differential units to filter the air.

New Rule R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.20 as new 8.21. Section 8.21 was formerly "Demolition".

Recodified from 5:23-8.23 by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior text at section, "Appeals", repealed.

5:23-8.22 Disposal of asbestos waste

(a) The disposal of friable/non-friable asbestos-containing material and asbestos-contaminated waste from the project site shall be in accordance with New Jersey Department of Environmental Protection and Energy requirements specified in N.J.A.C. 7:26 and 40 CFR Part 61, Subpart M.

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Recodified from 8.13 and substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.14 as new 8.15, no change in text. Section 8.15 was formerly "Duties of the asbestos safety technician".

Recodified from 5:23-8.15 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior section, "Demolition", recodified as 5:23-8.18.

SUBCHAPTER 9. CODE INTERPRETATIONS

5:23-9.1 Interpretation: Application of the Plumbing Subcode to certain mobile homes

(a) Chapter 18 of the Plumbing Subcode (National Standard Plumbing Code) is not applicable to permanently installed mobile homes meeting the Federal Manufactured Home Construction and Safety Standards, 24 C.F.R. Part 3280.

(b) An approved structure placed on a site for use as a permanent dwelling shall meet the requirements of the State Plumbing Subcode, excluding Chapter 18 of the Plumbing Subcode (National Standard Plumbing Code), or, if applicable, the Federal Manufactured Home Construction and Safety Standards.

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(a).

5:23-9.2 Interpretation: Construction Permit for a single family residence

(a) Any application for a construction permit for a single family residence shall be accompanied by at least two copies of plans drawn to scale, with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed. Plans submitted shall not be required to show more detail or include more information than is reasonably necessary to assure compliance with the requirements of the Uniform Construction Code and rules in this chapter.

(b) Plans containing the following information shall be considered to meet the requirements of (a) above:

1. Site diagram consisting of a site plan showing size and location of all new and existing construction on the site with distances from lot lines and indicating new building services, location and size.

2. Construction plans consisting of a scale drawing showing foundation, floor plans, and elevations, including structural framing notes for all floors, ceilings and roofs. Only girders and columns need be identified and located on the plan. Included on the drawings shall be a loading schedule indicating the live loads for which the structure is designed.

3. The following details shall be required:

- i. A cross section through one typical wall showing construction details from footing to and including roof

framing. This section shall indicate all construction materials used including roofing, vapor barriers, sheathing type and thickness, insulation type and thickness, windows, glazing type if other than standard window glazing is used, interior finish material, floor type and thickness, structure, foundation and footings. Decorative material shall not be required to be shown unless it contributes to the structural integrity of the section.

ii. Electrical details indicating lighting; receptacles; motors and equipment; smoke detectors; service entrance locations; size and type (overhead or underground); panel size, location; number of proposed circuits. A symbol legend shall be included.

iii. Plumbing details indicating the locations of fixtures and a notice or table listing water and drainage pipe sizes. A note stating if sewage disposal is to public sewer or individual septic system shall be included.

iv. Mechanical details indicating the type of heating system; location, size and type of heating unit, noting the distribution method and indicating design rates, location of fire dampers and safeguards; and location, type and size of flue.

4. The drawings shall bear the seal and signature of an architect or engineer who prepared the plans and is registered in the State of New Jersey. The seal and signature shall appear on each sheet of each copy of the plans submitted.

i. The construction official shall waive the requirements for sealed plans in the case of a single family home owner who prepares his or her own plans for the construction, alteration or repair of a structure used or intended to be used exclusively as the owner's private residence, and which is to be constructed by the owner, providing that the owner shall submit an affidavit attesting to the fact that he has prepared the plans and that the plans are, in the opinion of the construction official and appropriate subcode officials, legible and complete for the purpose of ensuring compliance with the regulations.

ii. Plumbing plans, electrical plans and mechanical plans may be prepared by licensed plumbers, licensed electrical contractors and mechanical contractors, respectively, in accordance with these regulations.

5. Construction plans, and electrical, plumbing, and mechanical details may be shown on more than one drawing.

6. Where a prototype plan has been approved pursuant to existing regulations, only a site diagram and reference to the approved prototype plan shall be required. This site diagram must be signed and sealed by a registered architect or licensed professional engineer.

7. The Construction Official, upon the advice of the appropriate subcode official, may waive any or all of the requirements for plans in (b)1 through 6 above when the work is of a minor nature.

5:23-9.3 Interpretation: Ordinary repairs

(a) The following items are ordinary repairs and shall be treated as such by every enforcing agency. No permits for, inspections of, or notice to the enforcing agency of ordinary repairs shall be required. This is not an all inclusive listing of ordinary repairs.

1. Ordinary building repairs 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 an ordinary repair;

(2) Paneling shall not be considered an ordinary repair;

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 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, except carpeting, with a new material. However, installation of carpeting in one and two family dwellings will be permitted under ordinary repairs;

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 repairs 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 an ordinary repair;

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 (other than 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 except for traps on culinary sinks in food handling establishments;

x. Replacement of a water closet or lavatory 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 repairs 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. Replacement of receptacles in locations where ground-fault circuit interrupter protection is required in the electrical subcode, shall not be considered ordinary electrical repairs;

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 as covered by article 800 of the electrical subcode in one and two family dwellings, or the alteration/rearrangement of existing communications wiring in other occupancies provided however 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; and

iv. Replacement of domestic dishwashers; and

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

4. Ordinary fire protection repairs include:

i. The replacement of any sprinkler or smoke detector or heat detector head with a like device; and

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).

5. Ordinary heating, ventilation and air conditioning repairs 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 repairs 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. Replacement of a controller with a like or with the state of the art controller when only those features which are available on the existing controller will be made functional;

(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, reinsulating, 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, reinsulation, 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 hoist ropes, 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, or replacement of governors with like equipment; 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 saddles, cab flooring, walls and panels with materials equivalent to those being replaced in respect to weight and fire resistance.

New Rule, R.1993 d.487, effective October 4, 1993.

See: 25 N.J.R. 2159(a), 22 N.J.R. 4592(a).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(a).

5:23-9.4 (Reserved)

New Rule, R.1990 d.490, effective October 1, 1990.

See: 22 N.J.R. 592(a), 22 N.J.R. 3148(a).

Repealed by R.1995 d.121, effective March 6, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4875(a), 27 N.J.R. 894(c).

Formerly "Seismic Zones".

5:23-9.5 Interpretation: Records retention

(a) A construction official shall maintain, for the life of each structure wholly or partially within the jurisdiction of the enforcing agency, copies of the following documents: construction application, permits(s), any update(s), notice of unsafe structure, certificate of occupancy, ongoing inspection control card, elevator inspection, decision of the construction board of appeals, cut-in card and the inspection and certificate logs.

(b) Copies of additional documents may be retained at the discretion of the construction official.

(c) A construction office shall retain copies of plans for Class I and Class II structures for at least the life of the structures and copies of plans for Class III structures for at least 10 years.

New Rule, R.1990 d.364, effective August 6, 1990.

See: 22 N.J.R. 1455(a), 22 N.J.R. 2275(a).

Amended by R.1992 d.230, effective June 1, 1992.

See: 24 N.J.R. 168(a), 24 N.J.R. 2052(a).

Form numbers changed in (a).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(a).

Amended by R.1996 d.512, effective November 4, 1996.

See: 28 N.J.R. 3697(a), 28 N.J.R. 4782(a).

5:23-9.6 Interpretations: Construction requirements for new and existing casinos

(a) Fixed central pedestal seating (stools) shall be allowed within major aisles and cross-aisles in casinos for gaming patrons who use standard size slot machines or other similar machines, within these aisles, provided the following requirements are met:

1. Schematic drawings shall be submitted to the Department for review and approval which indicate the dimensions and locations of the stools, and the distances from adjacent fixtures, walls or other fixed objects;

2. Stool placement shall not result in any reduction of the required aisle accessway width when measured from the stool and any other adjacent obstacle, including, without limitation, other stools in back-to-back seating arrangements;

3. Stools that swivel and have a back rest shall be restricted so as to rotate only in one direction, operate in series, and be self-centering;

4. A minimum clearance of eight inches, measured from the face of the gaming machine base at knee height, shall be provided between the gaming machine and the stool and a minimum clearance of 10 inches, measured from seat edge to seat edge, shall be provided between adjacent stools, in order to ensure discharge clearances; and

5. The minimum clear width of aisles with slot stools shall be 48 inches.

(b) The following code requirements shall apply to gaming floors:

1. The use group of the gaming floor area shall be A-2.

2. Each gaming floor area shall be designed using an open landscape plan such that there is clear visibility throughout the floor and at least two of the exits are clearly discernible from all portions of the floor. Line of sight obstructions shall be limited and shall be subject to the approval of the Department.

3. An egress study shall be provided for each new egress route and for all modifications to an existing egress route, increases in occupant load or changes of egress elements for gaming floor areas.

i. The occupant load shall be calculated at 7.5 square feet per person gross for all gaming floor areas, regardless of the gaming activity.

ii. The total capacity of the means of egress shall be calculated based on 116 2/3 percent of the calculated occupant load of any floor area containing gaming activities and any adjacent spaces using the gaming floor for exit access.

iii. Travel distances shall be delineated on the egress study and shall be measured from each and every occupiable point on the gaming floor to the closest exit. The travel distance shall be measured along the natural path of travel using a distance of one foot from obstructions, corners and walls and using the center of door openings.

iv. Each egress route shall identify the travel distance, number of occupants and size and type of egress elements.

4. Section 1017.4.1.3 of the building subcode, entitled "Special locking arrangements in penal facilities," shall be permitted to apply for areas that are back-of-house to the gaming floor where security is necessary.

5. Each slot machine installed on gaming floors shall comply with the following:

i. Each slot machine, other than those located at perimeter walls and columns, shall have a maximum overall height of 65 inches including base, except if the slot machine is placed at a location on the casino floor that would not cause a lack of compliance with (b)5ii below;

ii. A slot machine shall not obstruct visibility throughout the gaming floor, the visibility of exit signage or the operation of fire protection systems; and

iii. The base of the slot machine shall be constructed of noncombustible or fire-retardant treated material.

6. Signage installed on the gaming floor shall comply with the following:

i. All signage shall be listed, labeled, approved and identified by an approved testing laboratory;

ii. Each sign shall be attached to a wall, post or ceiling. A post-mounted sign above slot machines shall be fastened to, and supported by, the slot machine base;

iii. A sign containing moving sections or ornaments shall be equipped with fail-safe provisions to prevent the sign from releasing and falling or from shifting its center of gravity more than 15 inches. The fail-safe device shall be in addition to the mechanism and mechanism housing that operate the movable section. The fail-safe device shall be capable of supporting the full dead weight of the sign when the moving mechanism releases; and

iv. A sign shall not obstruct visibility throughout the gaming floor, the visibility of exit signage or the operation of fire protection systems.

7. Monitor cabinets, change banks, fillers and similar items shall be constructed of noncombustible or fire-retardant treated materials.

(c) The following precautions shall be taken during construction in any portion of an occupied casino hotel:

1. Except for changes to gaming tables, slot bases or signage, temporary construction partitions shall be required when construction is undertaken in an area with public access or in an area where the automatic sprinkler system will be inoperable.

i. A fire partition with a fire resistance rating of one hour shall be required for projects with automatic sprinkler protection. Fire partitions shall be constructed of noncombustible materials as defined in the building subcode and shall be continuous from the top of the floor to the underside of the ceiling above and shall be securely attached thereto. Opening protectives shall be rated for ¾ hour.

ii. A fire separation assembly with a fire resistance rating of two hours shall be provided for projects where the automatic sprinkler system is inoperable. Fire separation assemblies shall be constructed of noncombustible materials, as defined in the building subcode, and shall be continuous from the top of the floor to the underside of floor/roof slab or deck above or to the top fire resistance rated floor ceiling assembly above and shall be securely attached thereto. Opening protectives shall be rated for 1½ hours.

2. Projects with the ceiling removed shall be provided with operable upright type automatic sprinklers.

New Rule, R.1991 d.61, effective February 19, 1991.

See: 22 N.J.R. 3610(a), 23 N.J.R. 406(a).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(a).

Amended by R.1998 d.471, effective September 21, 1998.

See: 30 N.J.R. 1678(a), 30 N.J.R. 3466(a).

In (a), added 5; and added (b) and (c).

5:23-9.7 Interpretation: Manufacturing, production and process equipment

(a) Manufacturing, production and process equipment is not under the jurisdiction of the Uniform Construction Code. Manufacturing, production, and process equipment is defined as all equipment employed in a system of operations for the explicit purpose of the production of a product.

(b) Manufacturing, production, and process equipment shall include, but is not limited to, the following:

1. Electrical generation equipment, such as turbines, condensers, generators, and the like;

2. Electrical transmission equipment such as transformers, capacitors, regulators, switchgears, and the like;
3. Air pollution equipment, such as scrubbers;
4. Metal working equipment, such as castings, screen machines, grinders, lathes, presses, drills, welders, and the like;
5. Material handling equipment, such as rollers, control belts, and the like;
6. Packaging equipment, such as bottling machines;
7. Process drying equipment, such as ovens, kettles, fans, and the like;
8. Finishing equipment, used for such purposes as heat treatment, plating, painting, and the like;
9. Petrochemical refinery/plant equipment used for distillation, conversion, treatment and blending;
10. Electric, steam, pneumatic- or hydraulic-actuated equipment, such as motors, pumps, compressors, and the like;
11. Tanks which constitute part of a controlled industrial process, including those tanks containing flammable and combustible liquids, together with the dikes surrounding the tanks;
12. All piping used to transport products to and between industrial processes; any piping connected to the potable water supply downstream of an appropriate back-flow prevention device; any piping located upstream of the first joint at the outlet of the equipment or upstream of the indirect connection to the sanitary or storm sewer;
13. Pipe racks, hangers, and the like that support the process piping and the storage racks for the raw materials and finished products. Building structural systems supporting the racks, hangers, storage loads, and the like are excluded from the definition of process equipment, except that pipe support units that include a foundation and support steel shall be included as process equipment when they do not transfer loads to structures whose main function is other than supporting process pipe;
14. Boilers, pressure vessels, furnaces and the like used exclusively for industrial process;
15. Pre-wired and/or pre-engineered (bearing name plate) electro-mechanical equipment or machinery used exclusively for an industrial process;
16. Electrical work which forms a part of the power or control system of industrial process equipment, up to the point where that work connects to the plant electrical distribution system. Such a point shall be considered a suitable junction box, panel board, disconnect switch, or a terminal box which constitutes the final connection to the factory-installed equipment wiring. Where these items are not supplied as a part of the equipment, they shall be subject to local enforcing agency jurisdiction; and

17. (Reserved)

New Rule, R.1993 d.132, effective April 5, 1993.

See: 24 N.J.R. 3458(a), 25 N.J.R. 1512(b).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(a).

5:23-9.8 Bed and breakfast guest houses, change in use group requirements

(a) Use Group R-3 or R-4 single family dwellings being converted to bed and breakfast guest houses shall meet the requirements of this section.

1. "Bed and breakfast guest house" shall mean a facility providing sleeping or dwelling accommodations to transient guests which:

- i. Consists of a structure originally constructed for the purposes of a private residence;
- ii. Includes individual sleeping accommodations for six to 12 guests;
- iii. Has at least one dwelling unit occupied by the owner of the facility as his or her place of residence during any time this facility is being used for the lodging of guests;
- iv. Has not less than 300 square feet of common area for the exclusive use of the guests, including but not limited to parlors, dining rooms, libraries and solariums;
- v. Prohibits cooking and smoking in guest rooms;
- vi. Provides a meal to the guests in the forenoon of each day but does not operate as a restaurant open to the general public;
- vii. Is not a "rooming house" "or boarding house" as defined in N.J.S.A. 55:13B-3;
- viii. Does not allow more than 15 percent of the guests to remain more than 30 successive days or more than 30 days of any period of 60 successive days; and
- ix. Does not allow any guest to remain more than 60 successive days or more than 60 days of any period of 90 successive days.

(b) Use Group R-3 or R-4 single-family residences being converted to bed and breakfast guest houses shall be deemed to have met the intent of the rules, as provided in N.J.A.C. 5:23-2.6(b)1, if the following requirements have been met:

1. AC-powered interconnected smoke detectors with battery back-ups shall be installed in accordance with the building subcode in the locations listed below. Fixed temperature or rate-of-rise and fixed temperature heat detectors may be substituted for smoke detectors in those locations where frequent nuisance alarms would be likely to occur. At least one portable visual alarm-type smoke

detector for the deaf or hearing impaired shall be available. Notification of the availability of such devices shall be provided to each occupant. Installation shall be required at the following locations: