

"1. In buildings without elevators, multistory dwelling units are not required to comply with the provisions of this Chapter. In multistory dwelling units in buildings with elevators, all rooms or spaces on the entry level must be accessible or adaptable and an adaptable bathroom or powder room must be provided on the entry level; however, an interior accessible route to the other levels of living space is not required.

2. Recreational facilities must be accessible in accordance with N.J.A.C. 5:23-7.2 through 7.18."

10. The main paragraph of Section 1107.4.3 is modified to read as follows: "In buildings of Use Group R-2 and R-3 not otherwise exempted from the provisions of this Chapter by Section 1103.1, as modified, at least one accessible route shall connect accessible building or facility entrances with all accessible and adaptable dwelling units within the building or facility and with those exterior and interior spaces and facilities that serve the accessible or adaptable dwelling unit."

11. Delete the title and text of the Exception to Section 1107.4.3.

12. In Section 1108.3, modify the Exception as follows:

"Exceptions

1. Elevators within a dwelling unit.

2. Platform lifts may be part of an accessible route when necessary to provide:

2.1 a line of sight while complying with dispersal requirements in A use buildings;

2.2 access to a performing area;

2.3 access to incidental occupiable spaces, such as, but not limited to, projection booths and equipment control rooms, that are not open to the general public and that have not more than 5 occupants."

13. In Section 1108.7, add the following additional subsections:

"1108.7.4 Telephones: When public use telephones are provided, one telephone per floor or one telephone in each bank of public telephones shall comply with CABO/ANSI A117.1, Section 4.29. Each accessible public telephone and 25 percent of other public telephones in each bank shall be equipped with volume control that complies with CABO/ANSI A117.1, Section 4.29.5. At each accessible telephone, either a forward or a parallel approach shall be provided that complies with CABO/ANSI A117.1, Section 4.2.4.

1108.7.5 Automatic Teller Machines (ATM's): At each ATM, clear floor space shall be provided for either a parallel or forward approach pursuant to CABO/ANSI A117.1, Section 4.2.4. If only a forward approach is provided, all operating controls shall comply with the

reach ranges in CABO/ANSI A117.1, Section 4.2.5. If only a parallel approach is provided, reach ranges shall be provided as follows: Where the reach depth to the controls is 10" or less, the maximum height for the controls shall be 54". For each increase in reach depth of 1", the maximum height for the controls shall be reduced by 1/2". The reach depth shall not exceed 24" with a corresponding maximum height of 46". If both a parallel and a forward approach are provided, the reach ranges shall comply with CABO/ANSI A117.1, Section 4.2.5 or with the parallel reach range requirements described above."

14. Section 1108.7.3 is modified to read as follows:

"Where check-out aisles are provided, accessible check-out aisles shall be installed in accordance with Table 1108.7.3. Where checkout aisles of different types are provided (express lanes, for example), at least one of each type shall be accessible. Traffic control devices, security devices and turnstiles located in accessible check-out aisles or lanes shall be accessible."

15. Section 1109.2, number 1, is modified to read as follows:

"1. Accessible parking spaces required by Section 1105.1. Each accessible parking space shall be marked with an R7-8 sign from the Manual of Uniform Traffic Control Devices displaying the international symbol of accessibility. Beneath the R7-8 sign, each accessible parking space shall also be marked with an R7-8P sign, as required by N.J.S.A. 39:4-197.3.c., containing the following language:

"PENALTY

\$100 FIRST OFFENSE

SUBSEQUENT OFFENSES

\$100 MINIMUM AND/OR

UP TO 90 DAYS

COMMUNITY SERVICE

TOW-AWAY ZONE"

The bottom of the R7-8 sign shall be mounted approximately 60 inches above the parking lot surface."

16. Section 1109.2, number 4, is modified to read as follows:

"4. Accessible toilet and bathing units."

17. Section 1110.4 is modified to read as follows: "These provisions shall apply to buildings and facilities designated as historic structures that undergo alterations or a change of occupancy, unless technically infeasible. If the historic character of the building is adversely affected, the application of Section 3406.0 shall be permitted. At a minimum, at least one accessible route from an accessible parking space, public transportation stop or passenger loading zone to an accessible entrance shall be provided; at least one accessible entrance shall be provided; an

accessible route from the accessible entrance to all publicly-used spaces on the level of the accessible entrance shall be provided; when toilet facilities are provided, at least one accessible toilet facility shall be provided."

(c) The provisions of this Chapter shall not apply to a change of use of a building of less than 10,000 square feet total gross enclosed floor area where there is no attendant construction or renovation work being performed.

(d) When alteration or renovation work is performed on a building, the following shall apply:

1. No alteration work shall decrease the accessibility of the building;
2. No alteration shall be required to provide greater accessibility than is required by the standards for new construction;
3. If compliance with the new construction standards in (b) above is technically infeasible, accessibility shall be provided to the maximum extent feasible.
4. Accessibility shall be included as part of alteration work to the extent that the cost of providing accessible building features, such as, but not limited to, an accessible building entrance, an accessible route to the altered area, accessible restrooms, accessible telephones, or accessible drinking fountains is not disproportionate to the cost of the overall alteration work. A cost is considered disproportionate if it exceeds 20 percent of the cost of the alteration work.

(e) Variations and exceptions are as follows:

1. Where it can be demonstrated that one or more of the provisions of this subchapter are technically infeasible, variations or exceptions to those specific provisions may be granted if:
 - i. The spirit and intent of the law are observed;
 - ii. Public welfare and safety are assured; and
 - iii. Equivalent facilitation and protection for people with disabilities are secured.
2. In no case shall a complete waiver of these requirements be granted.
3. Procedures for granting variations and exceptions shall be in accordance with N.J.A.C. 5:23-2.9 through 2.13.

(f) Enforcement responsibility shall be divided among subcode officials as follows:

- i. Plan review with regard to compliance with BOCA, Chapter 11, Section 1108; CABO/ANSI A117.1, Section 4.17.2; Section 4.19; Section 4.20; and Section 4.15 shall be the joint responsibility of the building and plumbing subcode officials.

- ii. Plan review with regard to compliance with CABO/ANSI A117.1, Section 4.25 shall be the responsibility of the plumbing, fire protection and electrical subcode officials.

- iii. Plan review and inspection with regard to compliance with CABO/ANSI A117.1, Section 4.15.2; Section 4.15.3; Section 4.17.3; Section 4.17.4; Section 4.19.2; Section 4.19.4; Section 4.20.2; Section 4.20.4; Section 4.21.5; Section 4.22.5; Section 4.22.6; Section 4.33.3.2.2; Section 4.33.3.4.4; Section 4.33.4.3; Section 4.33.4.4.1; Section 4.44.4.4.3; Section 4.33.4.5.1; and Section 4.33.4.5.2 shall be the responsibility of the plumbing subcode official.

- iv. Inspection with regard to compliance with CABO/ANSI A117.1, Section 4.17.2 and BOCA, Chapter 11, Section 1108.4 shall be the responsibility of the building subcode official.

- v. Inspection with regard to compliance with BOCA, Chapter 11, Section 1108, as modified by vi below, shall be the responsibility of the plumbing subcode official.

- vi. Inspection of all controls and operating mechanisms referred to in CABO/ANSI A117.1, Section 4.25 regulated by the electrical, fire protection or plumbing subcodes shall be the responsibility of the corresponding subcode official. Controls of all other mechanisms shall be inspected by the building subcode official.

- vii. Enforcement of the remaining sections of this subchapter shall be the responsibility of the building subcode official.

New Rule, 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).

Case Notes

Department has duty to promulgate regulations prescribing kinds, types and quality of public facilities for physically handicapped. *D.I.A.L., Inc. v. New Jersey Dept. of Community Affairs*, 254 N.J.Super. 426, 603 A.2d 967 (A.D.1992).

Uniform Construction Code Act requires Commissioner to adopt State Uniform Construction Code. *D.I.A.L., Inc. v. New Jersey Dept. of Community Affairs*, 254 N.J.Super. 426, 603 A.2d 967 (A.D.1992).

City could pursue its claim against debtor alleging violation of certificate of occupancy without impediment from automatic stay and city's dispute with debtor did not need to be resolved in bankruptcy forum. *Matter of 560 Ocean Club, L.P.*, Bkrcty.D.N.J.1991, 133 B.R. 310.

5:23-7.2 Recreation

(a) All facilities, equipment, and sites or portions thereof, intended for outdoor, active or passive recreation shall meet all applicable requirements of this subchapter in addition to the provisions of N.J.A.C. 5:23-7.3 through 7.18. All support facilities and site access points required to be on an accessible route of travel shall be made accessible in accordance with the applicable provisions of this subchapter.

(b) Compliance with the provisions of this subchapter that relate to outdoor recreational equipment, facilities or sites shall be the responsibility of the manager of that recreational facility, of the owner of the facility, whether publicly or privately held, and of the agency responsible for the administration of that facility.

1. The facility manager and/or the facility owner or agency responsible for administration of the facility shall certify, in writing, that any work performed complies with all applicable provisions of this subchapter and shall retain this certification on file.

2. Complaints regarding lack of enforcement of these provisions shall be directed to the facility manager and the facility owner or agency responsible for administration of the facility. The facility manager shall respond within 30 days to any written complaint received detailing the position taken with respect to this complaint. If the facility manager fails to respond in a manner satisfactory to the party registering the complaint, then that party shall have recourse to the appeals process as set forth at N.J.A.C. 5:23-2.38 and 3.11.

3. Any alteration, renovation and/or addition to any existing recreational facility, the cost of which meets or exceeds the limit set forth in N.J.S.A. 40A:11-3, shall be performed in compliance with all applicable provisions of this subchapter. This limit shall apply to both privately- and publicly-owned recreational facilities. If it is feasible to achieve a greater degree of compliance with this subchapter with respect to the entire recreation area, then the facility manager may make alterations, renovations or additions in compliance with the applicable provisions of this subchapter to other facilities or equipment in lieu of the facility or equipment originally being altered, renovated and/or added.

i. Notwithstanding the above provisions, no alteration, renovation or addition shall be made which reduces or diminishes the degree to which any facility meets the criteria of this subchapter.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
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).

5:23-7.3 Recreation: definitions

“Park” or “recreation area” means an area set aside and designated for recreation, including either active participation, as in sports, or passive recreation, as in the observation of nature.

“Recreation equipment” means equipment and prescribed surrounding safety areas, including, but not limited to, fixed equipment, fixed manipulative play equipment (such as playground equipment), picnic tables, benches, fire places and grills, ski lifts, and aerial tramways.

“Recreation facility” means a facility, body of water, dock, court, field, location, or portion thereof, intended for active or passive recreation.

“Site access points” means entrances, waiting areas, drop-off zones, parking areas, and public transportation stops serving the recreational area or facility, except those used solely for maintenance purposes.

“Support facility” means a facility ancillary to a recreation facility including, but not limited to, toilet facilities, food services, information services, first aid stations, drinking fountains, telephones, spectator seating and shelters. Facilities primarily housing mechanical equipment or those exclusively used for storage are not included in this definition.

“Undeveloped areas” means wilderness areas used for activities such as camping, hunting, fishing or the observation of nature or open space conservation areas.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

5:23-7.4 Recreation: exceptions

These recreation requirements do not apply to undeveloped areas as defined in N.J.A.C. 5:23-7.3. These requirements also shall not apply to facilities, equipment or sites which are associated with buildings exempted by N.J.A.C. 5:23-7.1(b)1, 2 or 3.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
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).

5:23-7.5 Recreation: route of travel

There shall be an accessible route of travel connecting the following elements: at least 25 percent, but not less than one, of each type of support facility provided, at least one site access point and those recreation facilities and recreation equipment required to be accessible.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

5:23-7.6 Recreation: pools

(a) At least one pool of each type provided in each distinct area on a site, intended for swimming, soaking, wading, or diving, exclusive of those intended for ornamental, decorative, or mechanical purposes, must adjoin an accessible route of travel. The interior of swimming pools, defined as pools with a depth ranging between 24 inches and 13 feet, and the interior of soaking pools, shall be made accessible by one of the methods detailed in (a)1 through 3 below. Wading pools, defined as pools with a maximum depth of less than 24 inches, and diving pools, defined as pools or tanks whose minimum depth is over 13 feet, are excluded from this interior access requirement.

1. A vertical lift meeting the following criteria and as shown in Figure 7.6a:

i. Designed by its manufacturer for independent operation by the user;

ii. Equipped with a chair designed for independent transfer from a wheelchair. The chair shall have a rigid seat with a depth of at least 15 inches and shall have a rigid back support at least 15 inches high;

(1) As an alternative to (a)1ii above, a pool may be equipped with a moving platform meeting the criteria of CABO/ANSI A117.1, Section 4.11. A wheelchair shall be provided to the user if this option is used.

iii. Adjoining a clear level floor area meeting the criteria of CABO/ANSI A117.1, Section 4.3 whose minimum dimensions are five feet by five feet;

iv. Having controls which meet the criteria of CABO/ANSI A117.1, Section 4.25; and

v. Located to meet the criteria of Figure 7.6a.

2. Interior/exterior steps meeting the criteria of Figure 7.6b:

Figure 7.6a
Pool Entry

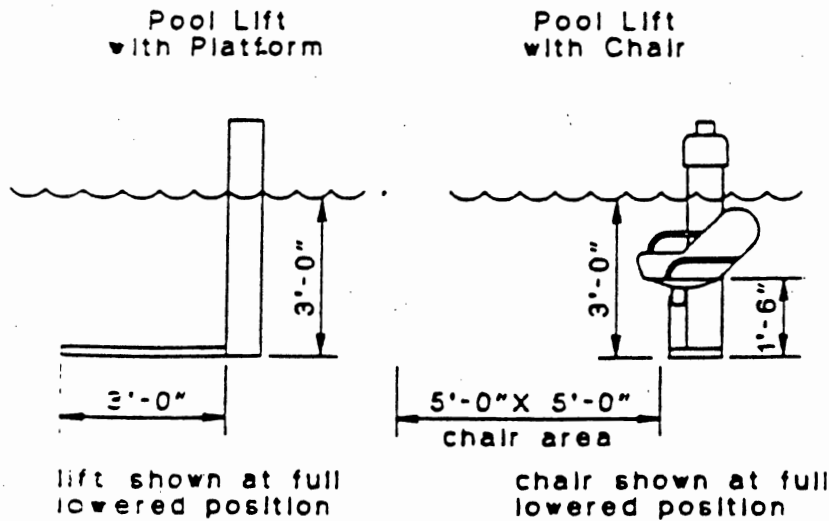
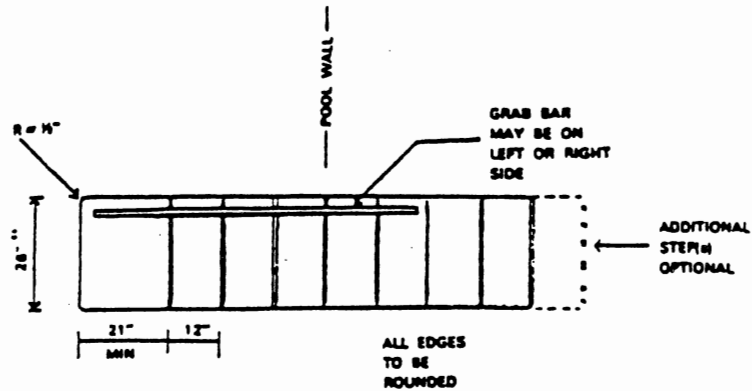
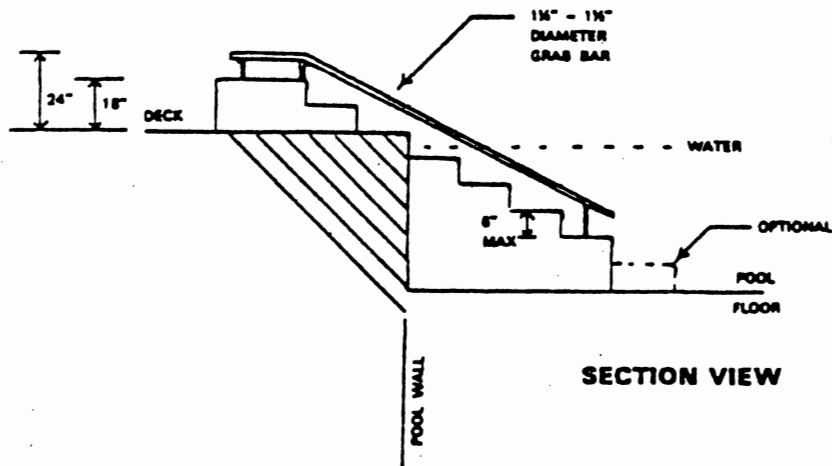


Figure 7.6b



PLAN VIEW

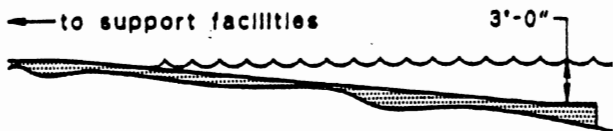


SECTION VIEW

- i. The edge of the steps shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.
- 3. A ramp meeting the criteria of Figure 7.6c.

- i. A wheelchair shall be provided to the user if this option is used.
- ii. The edge of the ramp shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.

Figure 7.6c
Ramp Into Water



Maximum ramp slope 1:12.
Provide no handrails but provide curbs.
Maximum ramp run 30'-0", use additional ramp runs with 5'-0" level platforms between, as necessary.
In pools, assure no access under ramp.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
Amended by R.1988 d.503, effective November 7, 1988.
See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).
Added (a)2i and (a)3ii; also amended Figure 7.104b.
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).

5:23-7.7 Recreation: swimming and skating areas

(a) At each designated swimming and/or skating area at natural or man-made bodies of water, there shall be an accessible route of travel connecting at least one point at the water's edge, defined as the mean high water mark.

1. At designated swimming and/or skating areas, the provision of access as described in (a) above at one location per site shall be deemed as satisfying the requirements of this section.

(b) Where swimming is provided, there shall be a ramp leading into the water to a depth of three feet. The ramp shall meet the criteria of CABO/ANSI A117.1, Section 4.8 and of Figure 7.6c except that handrails shall not be provided. Visual markings for the underwater portion of the ramp, such as floats or flags, shall be provided to define the side edges. Alternately, means of access to a minimum water depth of three feet may be achieved by other methodologies, as specified in N.J.A.C. 5:23-7.6. This provision shall not apply in those ocean front areas where wave action would render the provision of a ramp impractical from an engineering standpoint.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
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).

5:23-7.8 Recreation: boating areas

(a) Each boating area with docking facilities shall have one accessible mooring space.

(b) Each accessible mooring space shall adjoin an accessible route of travel and shall have a minimum clear space of five feet by five feet to allow transfer to the boat. Additionally, each accessible mooring space shall be a maximum of 36 inches above the mean water level in non-tidal areas.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

5:23-7.9 Recreation: fishing areas

If docks are provided in a fishing area, the criteria of N.J.A.C. 5:23-7.8 shall apply.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
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).

5:23-7.10 Recreation: court games

(a) The surface of the court must adjoin an accessible route of travel. Entrances to courts required to be accessible shall meet criteria of CABO/ANSI A117.1, Section 4.13. On sites with more than one court, at least one of each type of court in each distinct area at a site shall adjoin an accessible route of travel. Where there is a main or center court, this court shall be included as one of those on an accessible route of travel. Additionally, all permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.

(b) Court surfaces shall meet the criteria of CABO/ANSI A117.1, Section 4.3, except in those instances where the recognized rules of the particular game dictate another surface.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
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).

5:23-7.11 Recreation: ice rinks and roller rinks

The surface of at least one of each type of rink provided in each distinct area on a site shall adjoin an accessible route of travel.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

5:23-7.12 Recreation: playing fields

There shall be an accessible route of travel to at least one of each type of playing field provided in each distinct area on a site. For an overlay field, an accessible route of travel to the primary field shall fulfill the requirements of this section. For a complex of playing fields in a single area, an accessible route of travel to the area shall fulfill the requirements of this section. Additionally, all permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

5:23-7.13 Recreation: golf facilities

(a) For golf facilities, there shall be an accessible route of travel to the area where the transfer to golf carts is made.

(b) Bridges, if provided, shall either be designed for use by golf carts or shall meet the criteria of CABO/ANSI A117.1, Section 4.8.

(c) Where curbs are provided at points where courses cross thoroughfares, ramps or curb ramps meeting the criteria of CABO/ANSI A117.1, Section 4.8 shall be provided.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
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).

5:23-7.14 Recreation: ski lifts, aerial tramways, and conveyors

(a) In areas where ski lifts or other comparable mechanisms for skiing are provided, there shall be an accessible route of travel connecting site access point(s) and support facilities required to be accessible with the area where the transfer to skis is made.

(b) In areas where aerial tramways, conveyors or other comparable mechanisms for sightseeing are provided, there shall be an accessible route of travel connecting site access point(s) and support facilities required to be accessible and the moving seat, car or platform of the aerial tramways, conveyors, or comparable mechanisms. A five feet by five feet clear, level area meeting the criteria of CABO/ANSI A117.1, Section 4.3 shall be provided immediately adjacent to the upper, lower, and any intermediate terminals of such mechanisms to facilitate transfer from a wheelchair to the seat, car, or platform. If seats are involved, they shall be at a height of 16 inches to 18 inches above the clear, level area.

(c) There shall be a control immediately available to the operator of the ski lift, aerial tramway or conveyor to stop and restart the mechanism to allow the transfer of a disabled person on and off.

(d) The requirements of this section shall not apply to moving sidewalks or other horizontal conveyors guided by a track or tracks.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
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).

5:23-7.15 Recreation: trails

(a) Trails through undeveloped areas are exempted from the requirements of this subchapter.

(b) All other trails shall meet the criteria of CABO/ANSI A117.1, Section 4.3.

1. Signs, where provided, shall meet the criteria of CABO/ANSI A117.1, Section 4.28.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
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).

5:23-7.16 Recreation: camping sites

(a) In camping areas in other than undeveloped areas, at least four percent (rounded off to the next higher whole number) of camp sites shall meet the following criteria:

1. There shall be an accessible route of travel connecting these accessible camp sites with site access point(s) and support facilities required to be accessible;

2. Sites and signs leading to such sites shall be marked with the International Symbol of Accessibility displayed as specified in CABO/ANSI A117.1, Section 4.28;

3. Where tent platforms are provided, each of those required to be accessible shall be equipped with a ramp meeting the criteria of CABO/ANSI A117.1, Section 4.8;

4. The accessible camp sites shall be distributed throughout the camping area to the degree feasible as determined by the topography of the area.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
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).

5:23-7.17 Recreation: equipment

(a) There shall be an accessible route of travel connecting site access point(s) required to be accessible, recreation facilities required to be accessible, support facilities required to be accessible, and each piece of recreation equipment required to be accessible as delineated below.

(b) Four percent of all picnic tables, benches, fireplaces and grills provided, rounded to the next higher whole number, but not less than one, shall be on an accessible route of travel.

1. Such equipment shall be distributed throughout the picnic area to the degree feasible as determined by the topography of the area.

(c) At least 25 percent of all fixed manipulative play equipment within each play area on a site shall be of a type identified by the manufacturer as usable by both disabled and non-disabled persons and shall be on an accessible route of travel.

1. For each piece of recreation equipment required to be accessible whose manufacturer specifies a surrounding, resilient safety area, providing access to that safety area shall constitute compliance with the requirements of this section.

i. Sand or pea gravel shall not be used within resilient safety areas associated with equipment required to be accessible.

2. As existing playground equipment is replaced in any play area which is on an accessible route of travel, at least 50 percent of the replacement equipment shall be of a type identified by the manufacturer as usable by both disabled and non-disabled persons until the percentage as specified in (c) above is met.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

5:23-7.18 Recreation: equestrian facilities

At the area normally used for mounting at each recreational equestrian facility, a mounting platform for people with disabilities shall be provided. The top of the platform shall be at a height 32 inches above the surface upon which the horse stands. The mounting platform shall have a minimum dimension of five feet long and three feet wide. Any ramp necessary to provide access to the mounting platform shall meet the criteria of CABO/ANSI A117.1,

Section 4.8, except that a maximum slope of 1:9 shall be allowed.

New Rule, R.1988 d.352, effective August 1, 1988.

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

Amended by R.1988 d.503, effective November 7, 1988.

See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).

Platform height changed from 42 inches to 32 inches.

Administrative Correction.

See: 22 N.J.R. 1355(b).

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).

SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE

Cross References

Child care center physical plant requirements, see N.J.A.C. 10:122-5.2.

5:23-8.1 Title; scope; intent

(a) This part of the regulations, adopted pursuant to P.L. 1975, c.217, the Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and entitled Asbestos Hazard Abatement Subcode shall be known and may be cited throughout the regulations as N.J.A.C. 5:23-8 and when referred to in this subchapter, may be cited as "this subchapter."

1. In addition, the New Jersey Departments of Health and Labor have jointly adopted regulations pursuant to P.L. 1984, c.217, the Asbestos Control and Licensing Act (N.J.S.A. 34:5A-32 et seq.) and are cited as N.J.A.C. 8:60, and N.J.A.C. 12:120, respectively. These regulations provide for: a standardized training course for all asbestos workers; licensing of asbestos abatement contractors; and issuing asbestos worker performance permits for asbestos abatement workers.

i. Copies of N.J.A.C. 12:120 may be obtained from the New Jersey Department of Labor, Division of Workplace Standards, Asbestos Control and Licensing, CN 054, Trenton, New Jersey 08625-0054. These rules provide that any asbestos abatement project, excluding an operations and maintenance activity, must be conducted by a licensed contractor pursuant to the referenced rules, including projects involving buildings and structures which are not within the scope of this subchapter.

2. The New Jersey Department of Environmental Protection and Energy has authority to enforce regulations regarding the transport and disposal of asbestos-containing materials pursuant to N.J.S.A. 13:1D-9 and 13:1E-1 et seq. These rules are cited as N.J.A.C. 7:26.

i. Copies of N.J.A.C. 7:26 may be obtained from the New Jersey Department of Environmental Protection and Energy, Division of Solid Waste Management, 840 Bear Tavern Road, CN 414, Trenton, New Jersey 08625.

3. All samples collected and submitted for analysis for asbestos pursuant to this subchapter shall be analyzed for asbestos in accordance with N.J.A.C. 5:23-8.21.

(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) This subchapter, which pertains to educational facilities and public buildings as defined in N.J.A.C. 5:23-8.2, shall control matters relating to: construction permits for asbestos abatement; fees; licenses; certification; work permits; reports required; documentation; inspections by the asbestos safety technician; air monitoring; enforcement responsibilities; and remedies and enforcement. This subchapter controls the abatement of asbestos from a building. A construction permit for renovation or demolition shall be required pursuant to N.J.A.C. 5:23-2 for any other work performed subsequent to the asbestos abatement project.

1. Any private building that houses a day care center, nursery or educational facility shall be subject to this subchapter when an asbestos hazard abatement project takes place within the building or any part of the building regardless of the remoteness of the facility or its size relative to the building. An asbestos hazard abatement project shall have a construction permit from the enforcing agency.

2. All common areas in a building, or part thereof, leased by a public entity, such as, but not limited to, building entrances and lobbies, rest rooms, cafeterias, hallways, stairwells, and elevators where public employees may normally traverse and all areas with mechanical equipment that serve the areas occupied by the public employees, shall be subject to this subchapter when an asbestos hazard abatement project takes place within the building or any part of the building.

3. This subchapter shall apply to exterior portions of buildings, such as: exterior hallways connecting buildings; porticos; mechanical system insulation; cooling towers; and steam or other service tunnels serving or connecting buildings. These exterior spaces are to be considered, for the purposes of obtaining a construction permit pursuant to this subchapter, a single homogeneous area for purposes of abatement project design.

4. Projects involving the removal of non-friable, miscellaneous asbestos-containing material from interior spaces shall be subject to this subchapter where the method chosen to remove the non-friable material may cause the building environment to become contaminated with airborne asbestos fibers. Removal shall be in accordance with N.J.A.C. 5:23-8.20.