

not apply to persons working as subcontractors for any such home improvement retailer.

9. Contractors who are not subject to State licensing, registration or certification shall be subject to any applicable licensing, registration or certification requirement established by municipal ordinance. Any municipal license, registration or certification number issued to any such contractor shall be included in any application for a construction permit for work to be done by such contractor.

10. In the event of any change of contractor or person in charge of work under (b)1 through 9 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.

(e) Construction permits for individual tenant spaces in multi-tenant buildings shall be issued pursuant to N.J.A.C. 5:23-2.23A.

(f) Plans, plan review, plan release:

1. Plans and specifications: The application for the permit shall be accompanied by no fewer than two copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. Plans submitted shall be required to show only such detail and include only such information as shall be necessary to demonstrate compliance with the requirements of the code and these regulations or to facilitate inspections for code conformity. When quality of materials is essential for conformity to the regulations, specific information shall be given to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

i. Site diagram: There shall also be filed a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; accessible route(s) for buildings required by N.J.A.C. 5:23-7.1 to be accessible; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing

structures and construction that are to remain on the site or plot.

(1) Where any of the conditions in (f)1i(1)(A) through (C) below are met, a plan shall be submitted to the Construction Official detailing the manner in which the adjoining property will be protected. The Construction Official is authorized to utilize special technical services as per N.J.A.C. 5:23-2.19. No permit shall be issued until such plan has been filed.

(A) The foundation for the new building is immediately adjacent to an existing foundation, such that the existing foundation may be impacted by the construction work being performed;

(B) The footing for the new building is higher or lower than the footing for an existing building and the distance between the edges of the footings is equal to or less than the distance between the bottoms of the footings; or

(C) The new building roof is higher than the building roof on the adjoining property and the building roof of the adjoining property is a flat, hip or gable roofs with a slope of less than 70 degrees and the roof of the adjoining property is located 20 or fewer feet from the face of the new building.

ii. Building plans and specifications shall contain the following information:

(1) Foundation, floor, roof and structural plans;

(A) For buildings with roof or other truss systems, a truss layout and permanent truss bracing plan shall be submitted. This plan shall show all the permanent lateral and other bracing locations for individual truss members as well as the connections between the truss system and other components of the structural system necessary for the permanent lateral bracing of the entire structural system.

(2) Door, window and finish schedules; and

(3) Sections, details, connections and material designations.

iii. Electrical plans and specifications shall contain: Floor and ceiling plans; lighting, receptacles, motors and equipment; service entry location, line diagram and wire, conduit and breaker sizes.

iv. Plumbing plans and specifications shall contain: Floor plan; fixtures, pipe sizes and other equipment and materials; isometric with pipe sizes, fixture schedule and sewage disposal.

v. Mechanical plans and specifications shall contain: Floor or ceiling plans; equipment, distribution location, size and flow; location of dampers and safeguards; and all materials.

vi. Energy calculations: Calculations showing compliance with the energy subcode shall be submitted for all new buildings and additions to existing buildings. As provided in (f)1vii below, these calculations shall be signed and sealed by the design professional, with the exception of calculations for class III structures which may be submitted by the mechanical contractor.

(1) For detached one-and two-family residential buildings and other residential buildings three stories or less in height, compliance may be demonstrated by the submission of Energy Star compliance documentation, the submission of printouts from software recognized by the Department, such as REScheck, or conforming with the prescriptive packages described in Bulletin 07-2. REScheck software is available from the Department of Community Affairs, Division of Codes and Standards at www.nj.gov/dca/codes or from the U.S. Department of Energy at www.energycodes.gov.

(A) To document compliance using REScheck, users shall exceed the IECC/2003 by two percent or more. Please see Bulletin 07-2 for further guidance.

(2) For all other buildings, compliance may be shown with the COMcheck compliance software or equivalent, submission of the compliance forms found in the COMcheck user's manual or the ASHRAE 90.1 user's manual for the edition of ASHRAE adopted under the energy subcode. The COMcheck user's manual and software are available from the U.S. Department of Energy at www.energycodes.gov. The ASHRAE 90.1 user's manual is available from the American Society of Heating and Refrigerating and Air-conditioning Engineers Inc. at www.ashrae.org.

(A) To document compliance using COMcheck, users shall meet or exceed the ASHRAE/2004. Please see Bulletin 07-2 for further guidance.

vii. Engineering details and specifications: The construction official and appropriate subcode official may require adequate details of structural, mechanical, plumbing and electrical work, including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the seal and signature of the licensed engineer or registered architect responsible for the design. Plans for buildings shall indicate how required structural and fire-resistance rating will be maintained for penetrations made for electrical, mechanical, plumbing and communication conduits, pipes and systems.

(1) Plumbing plans for class III structures may be prepared by persons licensed pursuant to "The Master Plumber Licensing Act", N.J.S.A. 45:14C-1 et seq. Electrical plans for class III structures may be prepared by persons licensed pursuant to "The Electrical Contractors Licensing Act", N.J.S.A. 45:5A-1 et seq.;

(2) Whenever the licensing board pursuant to either of the above Acts shall provide for a seal evidencing that the holder is licensed, such shall be acceptable to the enforcing agency in lieu of affidavit;

(3) Mechanical plans for class III structures may be prepared by mechanical contractors.

viii. Work area: For reconstruction work in an existing structure, the work area shall be clearly delineated on the plans.

ix. Architect's or engineer's seal: The seal and signature of the registered architect or licensed engineer who prepared the plans shall be affixed to each sheet of each copy of the plans submitted and on the first or title sheet of the specifications and any additional supportive information submitted. The construction official shall waive the requirement for sealed plans in the case of a single family home owner who had prepared his or her own plans for the construction, addition, reconstruction, alteration, renovation or repair of a detached structure used or intended to be used exclusively as his or her private residence providing that the owner shall submit an affidavit attesting to the fact that he or she has personally prepared the plans and provided further that said plans are in the opinion of the construction official, and appropriate subcode official, legible and complete for purposes of ensuring compliance with the regulations.

x. The construction official upon the advice of the appropriate subcode official may waive the requirement for plans when the work is of a minor nature.

xi. Those portions of the plans that are required to be submitted and which are not included at the time of application shall be listed by the design professional as part of the application.

(1) All documents prepared by people other than the design professional shall be reviewed by the design professional and submitted with a letter indicating that they have been reviewed and found to be in conformance with the regulations for the design of the building.

xii. Building, electrical, plumbing and mechanical work required to be shown may be shown on a single set of plans or a single drawing so long as the drawings are clear and legible.

2. Prototype plan filing: Where a design is used repeatedly at different locations in a municipality or throughout the State, the plans and specifications may be submitted for "prototype" release and filed as follows:

i. Two complete sets of the plans and specifications for each prototype shall be submitted with a request for prototype plan release. The plans and specifications shall

be signed and sealed by a licensed or registered design professional. The plans and specifications will be stamped as released and the plan number and date will be recorded with the prototype release so that prototype plan release may be confirmed for any subsequent use of the released prototype plans. Mirror-image designs shall not be a permitted option and require separate prototype plan release. Prototype applications that include a foundation design shall specify the conditions and limitations of that design;

ii. Permit applications that rely on a released prototype shall consist of two copies of the following permit-specific documents to facilitate a thorough field inspection of the work. (As per N.J.A.C. 5:23-2.16(e), one set of the released plans shall be retained by the construction official and the second set shall be kept at the building site.)

(1) A plot plan that is signed and sealed by a registered architect, licensed professional engineer, or licensed land surveyor that includes the location of all utility services, including septic connections;

(2) A specific foundation design or certification that the prototype foundation design is suitable for the site;

(3) A reference set of plans that includes and clearly identifies each of the options to be used for the building that is the subject of the permit application. The reference set of plans is not required to be signed and sealed;

(4) Exterior elevations of the specific building;

(5) The prototype file identification number;

(6) The plan number and date of the released prototype plan; and

(7) When an automatic fire sprinkler system is installed, the fire sprinkler system demand, including either hose stream allowances or the required domestic demand, as applicable, at the available water supply shall be documented.

iii. Plans that contain deviations that were not released as part of the prototype shall not be considered a prototype and shall require the submission of a new permit application and application fees for that project to the appropriate plan review agency.

3. Examination of plans: All plans submitted and any amendments thereto accompanied by the required documentation and application, and upon payment of the fee established by the enforcing agency, shall be numbered, docketed and examined promptly after their submission for compliance with the provisions of the regulations.

4. Plan review:

i. Department review: When a review and release of plans by the Department is required pursuant to N.J.A.C. 5:23-3.11 or requested for a prototype plan intended for use Statewide, the owner or agent of the owner shall file an application for construction plan release for each project, along with three sets of plans (two sets for prototypes), specifications and such other supporting information as the Department may require on forms obtained from the Department. The plans, specifications and other supporting information shall conform to the requirements of (e) above.

(1) Release of plans: Plans complying with the provisions of the regulations shall be released by the Department and written notice of approval shall be given the applicant promptly and no later than 20 business days after the submission thereof. Plans failing to comply with the provisions of the code shall be rejected and a written notice of rejection, stating the grounds for rejection, shall be given to the applicant not later than 20 business days after the submission thereof. Whenever plans have been rejected and are thereafter revised and resubmitted, the revised plans shall be released if the grounds for rejection have been corrected and code compliance has been demonstrated. In that case, a written notice of release shall be given to the applicant not later than seven business days after the resubmission of the revised plans. When the grounds for rejection have not been corrected or when code compliance has not been demonstrated, a written notice of rejection stating the grounds for rejection shall be given to the applicant not later than seven business days after the resubmission of the revised plans.

(2) Endorsement of released plans: All plans and amendments thereto, when approved by the department, shall be stamped or endorsed "released", followed by a notation of the date of plan release. One set of such released plans shall be retained by the department, two sets of such released plans shall be submitted to the local enforcing agency with the application for construction permit as herein provided.

(3) Partial filing: When circumstances require, a project may be filed in part (that is, footings, structural, electrical, plumbing, and so forth). Each partial submittal shall include sufficient detail to assure that the proposed portion of work complies with the regulations. A plan "release" for such a portion of work shall be issued without prejudice as to whether a "release" shall be issued for the entire project.

(4) Construction permits: Owners and their agents shall not apply to a local enforcing agency for a construction permit for any building or structure for which a Department plan review and release is required by N.J.A.C. 5:23-3, unless such review and release has been applied for and received by the

applicant as evidenced by presentation of released plans to the local enforcing agency.

(A) When plans are submitted for local review that are required to be reviewed by the Department, the local enforcing agency shall so notify the owner or agent in writing no later than three business days after the submission of the plans.

ii. Local enforcing agency plan review: Where a Department plan review is not required by the regulations, an applicant for a construction permit shall be deemed to have applied for a local enforcing agency plan review by filing an application for a construction permit.

(1) When the plans submitted with an application for a construction permit or amendment thereto are accompanied by plans which have been released by the Department, then further municipal plan review and fee therefor shall not be required. Release of the plans by the Department shall not prevent enforcing agency officials from thereafter requiring correction of any errors in said plans or from issuing a stop work order when in violation of the regulations. In such case the enforcing agency shall notify the Department;

iii. Validity of plan or prototype release: The released plans or prototype (Department or local) shall be valid for the purposes of applying for a construction permit until six months after the operative date of the next edition of the code, as set forth in N.J.A.C. 5:23-1.6.

iv. Time limitation of application: An application for a permit for any proposed work shall be deemed to have been abandoned six months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the construction official may grant one or more extensions of time for additional periods not exceeding 90 days each.

v. Amended plans and specifications: Amendments may be filed at any time; such amendments shall be deemed part of the original application and, when released, shall be filed therewith. Amended plans and specifications shall be required where deviations affect matters controlled by the code and, in the judgment of the subcode official having jurisdiction, such amended plans are necessary to assist in the determination of code compliance. The official may require the affected portions of the work to be halted until amended plans and specifications are released. If the amendment involves a substantial deviation from the original application, a new affidavit of consent may be required by the construction official. If a Department plan review was required originally, the enforcing agency shall not permit an amendment to the plans or specifications unless the amendment has been released by the Department.

vi. Building systems: Structural, electrical and mechanical designs performed and certified by licensed architects or engineers need not be checked in detail by the staff of the enforcing agency, but shall remain as the responsibility of the professional certifying such design.

vii. A schematic or sketch plan, when required pursuant to this subsection, shall not be deemed to be a construction copy of a plan and shall therefore not be required to be signed or sealed by a registered architect or licensed professional engineer.

Amended by R.1985 d.352, effective July 15, 1985.

See: 17 N.J.R. 1031(a), 17 N.J.R. 1758(a).

(b)1i: deleted text "The registration number of the contractor", and added "A current validated ... contractor and the".

Amended by R.1985 d.479, effective September 16, 1985.

See: 17 N.J.R. 1462(a), 17 N.J.R. 2248(b).

(b)2ii added. (d) text added "All issued permits ...".

Administrative Correction: Cleaned up typographical errors.

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

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

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

Text added at (a)6 on Class I structure.

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.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.1997 d.304, effective July 21, 1997.

See: 29 N.J.R. 2204(a), 29 N.J.R. 3248(a).

In (e)1, substituted "no fewer" for "no less"; and in (e)1i, inserted reference to accessible routes.

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

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

Amended (a)6, (a)7v and (e)3v; inserted (a)8 and (e)1vii.

Amended by R.2003 d.187, effective May 5, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).

Rewrote the section.

Amended by R.2003 d.216, effective May 19, 2003.

See: 35 N.J.R. 16(a), 35 N.J.R. 2203(a).

Rewrote the section.

Amended by R.2004 d.144, effective April 5, 2004.

See: 35 N.J.R. 4944(a), 36 N.J.R. 1753(a).

Rewrote (e).

Amended by R.2006 d.32, effective January 17, 2006.

See: 37 N.J.R. 2918(a), 38 N.J.R. 484(a).

Added (b)5 through 7; recodified former (b)5 as (b)8 and rewrote the reference to (b)1, 2, 3, 4 as "(b)1 through 7."

Amended by R.2006 d.127, effective April 3, 2006.

See: 37 N.J.R. 4599(a), 38 N.J.R. 1572(a).

Recodified former (b)8 as (b)10 and rewrote the reference "(b)1 through 7" as "(b)1 through 9"; added (b)8 and (b)9.

Administrative correction.

See: 38 N.J.R. 3776(b).

Amended by R.2007 d.124, effective May 7, 2007.

See: 38 N.J.R. 3708(a), 39 N.J.R. 1669(a).

Rewrote (e)1ix; in (e)4i(4), substituted "Department" for "department"; and added (e)4i(4)(A).

Amended by R.2007 d.125, effective May 7, 2007.

See: 38 N.J.R. 3707(a), 39 N.J.R. 1671(a).

Added new (e); and recodified former (e) as (f).

Amended by R.2007 d.231, effective August 6, 2007.

See: 39 N.J.R. 722(a), 39 N.J.R. 3295(a).

In (f)1vi(1), substituted "07-2" for "03-2" and "at www.nj.gov/dca/codes" for "PO Box 802, Trenton, New Jersey 08625"; added (f)1vi(1)(A); in (f)1vi(2), deleted "EZ" following "Check" two times and "or from Pacific Northwest National Laboratory, PO Box 999, ATTN: K5-20, Richland, Washington 99352" following "www.energycodes.gov" and substituted "at www.ashrae.org" for "1791 Tullie Circle, NE, Atlanta, GA 30329"; and added (f)1vi(2)(A).

Administrative correction.
 See: 39 N.J.R. 3914(a).
 Administrative correction.
 See: 39 N.J.R. 4571(a).
 Amended by R.2008 d.39, effective March 3, 2008.
 See: 39 N.J.R. 2175(a), 40 N.J.R. 1084(a).
 Added (f)1i(1).
 Administrative correction.
 See: 40 N.J.R. 1829(a).

Case Notes

Zoning permit may be required pursuant to Municipal Land Use Law but not Uniform Construction Code Act. *Acqua Development Corp. v. Township of Holmdel*, 287 N.J.Super. 578, 671 A.2d 636 (L.1995).

Compliance with former N.J.A.C. 5:23-2.5 requirements for permit to non-contractor owner to perform repairs. *Winn v. Margate City*, 204 N.J.Super. 114, 497 A.2d 928 (Law Div.1985).

Requirement of architect's or engineer's seal on plans does not broaden scope of engineering practice into architecture; engineer's plan limitations. *State Board of Architects v. North*, 197 N.J.Super. 349, 484 A.2d 1297 (Ch.Div.1984).

Prior-approval rule discussion; zoning matters involved in construction must be resolved before issuance of permits. *Bell v. Twp. of Bass River*, 196 N.J.Super. 304, 482 A.2d 208 (Law Div.1984).

Construction permit application and fee requirements under former N.J.A.C. 5:23-2.5; municipal requirement for payment of property taxes before issuance of permit 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).

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

5:23-2.16 Construction permits—procedure

(a) Action on application: The construction official or the appropriate subcode official in the case of construction involving only one trade or subcode, shall examine or cause to be examined all applications for permits and amendments thereto, and approve or deny in whole or in part the application, within 20 business days. If the application is denied in whole or in part, the enforcing agency shall set forth the reasons therefore in writing. If an enforcing agency fails to grant, in whole or in part, or deny an application within 20 business days, such failure shall be deemed a denial of the

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

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

(A) Exception: A foundation location survey shall not be required for additions, decks, swimming pools, sheds as described in N.J.A.C. 5:23-9.9 or similar structures.

(2) For new construction and additions, the foundation location survey for a building that is located in a flood plain shall include flood hazard certificates as required by section 1612.5 of the building subcode or section R301.2.4 of the one-and two-family dwelling subcode.

iii. Utility services, including septic;

iv. Mid-point inspections shall include the following:

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

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

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

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

(D) The inspector shall use a Department approved checklist.

(E) Prior to inspection, the responsible person in charge of work shall provide to the building inspector a signed framing checklist to be verified

and initialed by the inspector and then made part of the permit file.

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

(3) Plumbing Subcode: Rough piping.

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

i. The mid-point inspection shall include a review for compliance with N.J.A.C. 5:23-7, the Barrier Free Subcode, for buildings required by N.J.A.C. 5:23-7.1 to be accessible.

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

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

(c) Notice for inspection:

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

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

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

1. Building and Fire Subcode: Installation of all interior and exterior finish materials, sealing of exterior joints, mechanical system and any other required equipment.

2. Electrical Subcode: Wiring, devices and fixtures.
 3. Plumbing Subcode: Piping, trim and fixtures.
 4. Tests required by any provision of the adopted subcodes.
 5. A review for compliance with N.J.A.C. 5:23-7, the Barrier Free Subcode, for all buildings required by N.J.A.C. 5:23-7.1 to be accessible.
 6. Verification of compliance with N.J.A.C. 5:23-3.5, Posting structures.
- (e) Inspections records: The enforcing agency shall make a written record of all inspections, including any discrepancies or violations noted and shall maintain those reports as a public record which shall be available for public inspection during normal business hours.
- (f) Department inspections: At the request of an enforcing agency, the Department may assist the enforcing agency in the inspection of any construction, provided that the enforcing agency has submitted the plans and specifications for such construction to the Department.
- (g) The construction official shall serve as an agent of the Bureau of Housing Inspection of the Department of Community Affairs for the purpose of inspecting newly constructed and altered hotels and multiple dwellings in order to enforce the provisions of the regulations for the maintenance of hotels and multiple dwellings (N.J.A.C. 5:10). Responsibility for inspection may be delegated to the appropriate subcode official(s).
- (h) Periodic inspections: The building subcode official or fire protection subcode official may periodically inspect all existing buildings and structures, except one and two family dwellings, for compliance with the rules with respect to posting. Such inspection shall specify any violation of the rules with respect to the posting of floor load, occupancy load and use group of the building.

Amended by R.1981 d.182, effective June 4, 1981.

See: 13 N.J.R. 187(b), 13 N.J.R. 333(b).

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

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

Class I inspections added to (b)iv.

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.304, effective July 21, 1997.

See: 29 N.J.R. 2204(a), 29 N.J.R. 3248(a).

Added (b)lii(1) and (d)1.

Amended by R.2000 d.166, effective April 17, 2000.

See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

In (d), added 2; and added (h).

Amended by R.2003 d.187, effective May 5, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).

In (b), rewrote iv.

Amended by R.2003 d.216, effective May 19, 2003.

See: 35 N.J.R. 16(a), 35 N.J.R. 2203(a).

Rewrote the section.

Administrative correction.

See: 35 N.J.R. 3298(a).

Amended by R.2006 d.75, effective February 21, 2006.

See: 37 N.J.R. 3110(a), 38 N.J.R. 1183(a).

Added (b)liv(1)(E).

Amended by R.2007 d.46, effective February 5, 2007.

See: 38 N.J.R. 872(a), 39 N.J.R. 370(b).

In (c)1, added new third sentence, and recodified former third sentence as new (c)2.

Administrative correction.

See: 39 N.J.R. 3914(a).

Amended by R.2008 d.192, effective July 21, 2008.

See: 39 N.J.R. 4985(a), 40 N.J.R. 4314(b).

In the introductory paragraph of (b)1, substituted "one- and" for "one-and"; and in the introductory paragraph of (b)lii(1), inserted "and the elevation of the top of the foundation wall", "or professional engineer" and "and elevation", and inserted the second sentence.

Administrative correction.

See: 40 N.J.R. 5579(a).

Case Notes

Initial Decision (2007 N.J. AGEN LEXIS 561) adopted, which ordered a 60-day suspension of petitioner's Building Subcode Official and Building Inspector H.H.S. licenses for violations of N.J.A.C. 5:23-2.18(b) and 5:23-2.24(a); petitioner approved framing inspections and issued a certificate of occupancy on the subject project that did not meet the conditions of the approved plans and specification, approved alternate material in lieu of the architect's specified material resulting in an overspanning of the joists, and overlooked a required flush girder beam creating an excessive deflection, which caused the second and third floors of the home to sag. *Anstiss v. Office of Regulatory Affairs*, OAL Dkt. No. CAF 11448-06, 2007 N.J. AGEN LEXIS 547, Final Decision (August 17, 2007).

Initial Decision (2007 N.J. AGEN LEXIS 561) adopted, which ordered revocation of petitioner's Construction Official license where petitioner failed to make sure that the proper reports and inspections were in the file prior to the issuance of temporary certificates of occupancy and petitioner previously had been cited for violations concerning the same project; petitioner's responsibility toward the properties did not cease because a subordinate signed the certificates, and petitioner failed to provide the necessary documentation even after it was requested by the Department investigator. *Anstiss v. Office of Regulatory Affairs*, OAL Dkt. No. CAF 11448-06, 2007 N.J. AGEN LEXIS 547, Final Decision (August 17, 2007).

5:23-2.18A Utility load management device installation programs

(a) Whenever a public utility proposes to undertake a program of installing load management devices at the properties of a substantial number of service customers within a limited period of time, it may apply to the Department for permission to utilize the procedure set forth in this section.

(b) A utility with a program to install load management devices shall submit detailed information to the Department on the design of the device.

(c) The utility shall provide an educational program acceptable to the Department to acquaint any interested Department personnel and municipal subcode officials with the device and with installation and operating procedures.

(d) The utility shall insure that all devices to be installed are identical in design, listed and labeled or otherwise approved according to this chapter for their intended use.

(e) At least one month in advance of any installations, the utility shall submit to the Department, and to each affected

municipality, notice of the anticipated number of installations to be performed in each municipality. A maximum and a minimum figure may be submitted where there is uncertainty about the number to be scheduled by customers. An approximate number of weeks for installations in that municipality shall be given along with an approximate number of installations per week.

1. Each week, in advance of installation, the utility shall notify the municipality of any change in the anticipated number of installations for that week. No weekly number of installations shall be so great that the cumulative number of installations in the municipality shall exceed the maximum anticipated number submitted.

2. Prior to the commencement of any installation, and as soon as may be practicable, the utility or its contractors will provide to each municipality notice of the actual sites of installations.

3. The Department and the municipalities shall be notified as soon as possible in the event of any change in existing schedules by the utility or its contractors.

(f) On the Monday following installations, the utility shall submit to each municipality a completed permit application for all installations completed in the municipality's jurisdiction during the preceding week.

1. A listing of all permits so delivered shall be filed by the utility with the Department.

2. All devices installed during that week, by a single contractor, shall be included on that application. The application shall include the Construction Permit Application and an Electrical Subcode Technical Section.

3. Since the permit is not, typically, for work at a single location, the block number shall be entered as "UCC 2.18" and the lot as "A." The work site location shall be the name of the municipality and the owner in fee shall be the utility.

4. In addition to the Construction Permit Application, the utility or contractor shall supply the municipality a complete listing of locations where the devices, listed on this permit, were installed. This list shall include owner's name, owner's address, block and lot, date of installation, type of device(s) installed, and the contractor's name.

(g) If, for any reason, a permit application, or any part, is found to have been submitted in error, the utility or its contractors shall notify the municipality as soon as possible.

(h) When all required municipal and utility inspections have been approved, a single certificate of approval, for that permit, shall be issued to the utility.

(i) If any municipality or the Department has reason to suspect that permit applications are being mishandled or carelessly accounted for, an investigation may be conducted of the utility's permit files for this project and of any permits in the possession of individual contractors in the utility's employ for this project.

(j) The utility shall pay to each municipality 30 percent of the permit fees otherwise due and owing.

(k) The municipality shall inspect 30 percent of the installations performed and shall record the results of those inspections. The utility shall inspect at least 10 percent of the installations performed and shall record the results of those inspections and forward those results concurrently to the municipality and to the Department weekly.

(l) If a municipality or a utility discovers a defect rate of not less than seven percent for any contractor employed by the utility, the Department shall be immediately notified. The Department shall investigate and, in the interest of public safety, shall be authorized to order that:

1. The offending contractor cease to be employed by the utility for this project;

2. The utility remit the fees necessary to inspect all existing installations of the offending contractor in all municipalities where that contractor has performed work;

3. That each municipality affected perform inspections of all the offending contractor's existing installations; and

4. That the utility or its designees correct or remove all defective installations to the satisfaction of the municipal officials.

(m) If, at any time, the Department tabulates a program-wide defect rate equal to or exceeding three percent, the utility shall be notified and the inspection rate and fee rate in (j) and (k) above shall rise to 50 percent.

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 asses-

sor 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 or rehabilitation of health care facilities shall be in accordance with this code and with the "Guidelines for Construction and Equipment of Hospital and Medical Facilities" (American Institute of Architects Committee on Architecture for Health), 1996-1997 edition or current edition. 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 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, 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. A temporary greenhouse, also called a "hoophouse" or "polyhouse," used exclusively for the production and storage of live plants, shall be exempt from the permit requirements of the Uniform Construction Code if it meets all the criteria of (d)3i through iv below:

- i. There is no permanent anchoring system or foundation;
- ii. There is no storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials;
- iii. The structure is no wider than 31 feet and there is an unobstructed path of no greater length than 150 feet from any point to a door or fully accessible wall area, the covering of which is a material no greater than six mils (152.4 micrometers) in thickness that yields approximately four pounds of maximum impact resistance to provide egress through the wall; and
- iv. The covering of the structure is of a material that conforms to NFPA 701.
- v. If a temporary greenhouse contains any device subject to the electrical subcode or any mechanical

equipment subject to the mechanical subcode, a permit shall be required for the device, system or fixture only. If the temporary greenhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices only.

5. 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 307.7(1) and 307.7(2) of the building subcode unless separated from the occupied area by appropriate fire resistance rated construction as prescribed in the building subcode.

6. 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 1003.2.11 of the building subcode.

ii. The use of a commercial farm building as a "special amusement building," as defined in the building subcode, shall be permitted only if a permit specific to special amusement buildings is issued by the local fire official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq. or if the building or portion thereof complies with N.J.A.C. 5:23-6.31(a) 5vii.

7. 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)10vii below.

8. 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.

9. 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 exterior wall fire resistance rating as specified in section 507.2 of the building subcode and has a fire separation distance of 50 feet. In that case, a sprinkler system shall not be required.

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 exterior wall fire resistance rating as specified in section 507.2 of the building subcode, is provided with an approved automatic fire suppression system throughout, conforming to the Uniform Construction Code and has a fire separation distance of 50 feet.

iii. Two or more commercial farm buildings exempted under (d)9i and ii above may be constructed on the same lot, or on an owner's contiguous lots without meeting the fire separation distance of 50 feet. However, the fire separation distance specified in Table 602 of the building subcode must be maintained between a commercial farm building and any building not eligible for the commercial farm building exemption.

10. Commercial farm buildings exempted under (d)9i above shall meet the following requirements in lieu of those requirements specified in the subsections of Chapter 10, Means of Egress, of the building subcode:

i. In lieu of the requirements of Section 1004.2.4, 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 Sections 1005.2.1 and 1005.2.2, one exit is required for each 15,000 square feet of floor area and fraction thereof;

iii. In lieu of the requirements of Section 1003.2.10, exit signs must be posted. Exit signs are not required to be illuminated;

iv. The provisions of Section 1003.2.11 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 1003.2, 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.

11. Site plans signed and sealed by a registered architect or a licensed engineer, pursuant to N.J.A.C. 5:23-2.15(f)1ix, 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.

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

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

In (a)1, substituted a reference to rehabilitation for a reference to alteration, and changed guideline reference.

Administrative correction.

See: 33 N.J.R. 3735(a).

Amended by R.2003 d.157, effective April 21, 2003.

See: 34 N.J.R. 4247(a), 35 N.J.R. 1663(b).

In (d)5, added ii.

Administrative correction.

See: 35 N.J.R. 5062(a).

Amended by R.2003 d.425, effective November 3, 2003.

See: 35 N.J.R. 2424(a), 35 N.J.R. 5062(b).

Rewrote (d).

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

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

In (d)3, inserted the first sentence.

Amended by R.2004 d.423, effective November 15, 2004.

See: 36 N.J.R. 3004(a), 36 N.J.R. 5090(a).

In (d)5, rewrote ii.

Amended by R.2006 d.157, effective May 1, 2006.

See: 37 N.J.R. 3108(a), 38 N.J.R. 1824(a).

In (d)3, deleted "A temporary greenhouse shall not require a construction permit if it meets the criteria stated in N.J.A.C. 5:23-3.14, the building subcode"; added new (d)4; recodified (d)4 through (d)10 as (d)5 through (d)11; in (d)7.iv, substituted "10vii" for "9vii".

Administrative correction.

See: 39 N.J.R. 3509(a).

Administrative correction.

See: 39 N.J.R. 4571(a).

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, 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 ordinary maintenance), 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).

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

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

In (a), deleted a reference to other State agencies in the introductory paragraph, and substituted a reference to ordinary maintenance for a reference to ordinary repairs in 1.

5:23-3.4 Responsibilities

(a) The enforcement responsibilities of the adopted subcodes are as follows:

1. Building Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
Ch. 8	Interior Finishes	Building/Fire	Building
Ch. 9	Fire Protection Systems	Fire	Fire
Ch. 10	Means of Egress	Building/Fire	Building
Ch. 12	Interior Environment	Building	Building
Ch. 14	Exterior Walls	Building	Building
Ch. 15	Roof Assemblies and Rooftop Structures	Building	Building
Ch. 16	Structural Design	Building	Building
Ch. 17	Structural Tests and Special Inspections	Building	Building
Ch. 18	Soil and Foundations	Building	Building
Ch. 19	Concrete	Building	Building
Ch. 20	Aluminum	Building	Building
Ch. 21	Masonry		
	2101-2110	Building	Building
	2111-2113	Building/Fire	Building
Ch. 22	Steel	Building	Building
Ch. 23	Wood	Building	Building
Ch. 24	Glass and Glazing	Building	Building
Ch. 25	Gypsum Board and Plaster	Building	Building
Ch. 26	Plastic		
	2601-2602	Building	Building
	2603	Building/Fire	Building
	2604	Building	Building
	2605-2607	Building/Fire	Building
	2608-2611	Building	Building
Ch. 28	Mechanical Systems	Building	Building
Ch. 30	Elevators and Conveying Systems		
	3001.1-3001.2	Building/Elevator	Elevator
	3001.3	Building/Fire/Elevator	Elevator
	3001.4	Building/Elevator	Elevator
	3002.1	Building/Fire/Elevator	Building
	3002.2	Building/Fire/Elevator	Elevator
	3002.3	Building/Elevator	Elevator
	3002.4	Building/Fire/Elevator	Elevator
	3002.5-3002.7	Building/Fire/Elevator	Elevator
	3003.1	Building/Electrical/ Elevator	Elevator
	3003.2	Building/Fire/Elevator	Elevator
	3004.1-3004.3	Building/Fire/Elevator	Building
	3004.4	Building/Elevator	Elevator
	3005.1-3005.2	Building/Fire/Elevator	Elevator
	3005.2.1-3005.2.2	Building/Fire/Elevator	Building
	3005.3-3005.4	Building/Fire	Building
	3006.1-3006.4	Building/Fire/Elevator	Building
	3006.5	Fire/Electrical/Elevator	Elevator
	3006.6	Building/Elevator	Elevator
Ch. 31	Special Construction		
	3101-3103.4	Building	Building
	3104.1-3104.10	Building/Fire	Building
	3105-3109.4	Building	Building
	3110	Building	Building

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
Ch. 32	Encroachments into the Public-Right-of-Way	Building	Building
Ch. 33	Safeguards during Construction		
	3301-3308	Building	Building
	3309	Building/Fire	Fire
	3310	Building	Building
	3311-3312	Building/Fire	Fire

2. Plumbing Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
Ch. 1	Definitions	Plumbing	Plumbing
Ch. 2	General Regulations	Plumbing	Plumbing
Ch. 3	Materials	Plumbing	Plumbing
Ch. 4	Joints and Connections	Plumbing	Plumbing
Ch. 5	Traps, Cleanouts and Backwater Valves	Plumbing	Plumbing
Ch. 6	Interceptors	Plumbing	Plumbing
Ch. 7	Plumbing Fixtures, Fixture Fittings and Plumbing Appliances	Plumbing	Plumbing
Ch. 8	Hangers and Supports	Plumbing	Plumbing
Ch. 9	Indirect Waste Piping and Special Wastes	Plumbing	Plumbing
Ch. 10	Water Supply and Distribution	Plumbing	Plumbing
Ch. 11	Sanitary Drainage Systems	Plumbing	Plumbing
Ch. 12	Vents and Venting	Plumbing	Plumbing
Ch. 13	Storm Water Drainage	Plumbing	Plumbing
Ch. 14	Special Requirements for Health Care Facilities	Plumbing	Plumbing
Ch. 15	Tests and Maintenance	Plumbing	Plumbing
Ch. 16	Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewage Systems Are Not Available.	Plumbing	Plumbing
Ch. 18	Mobile Home & Travel Trailer Park Plumbing Standards	Plumbing	Plumbing
Ap. B	Sizing the Building Water Supply System	Plumbing	Plumbing
Ap. C	Conversions: Customary Units to Metric	Plumbing	Plumbing
Ap. D	Determining the Minimum Number of Required Plumbing Fixtures	Plumbing	Plumbing
Ap. E	Special Design Plumbing Systems	Plumbing	Plumbing
Ap. F	Requirements of the Administrative Authority	Plumbing	Plumbing
Ap. G	Graywater Recycling Systems	Plumbing	Plumbing
Ap. H	Installation of Medical Gas and Vacuum Piping Systems	Plumbing	Plumbing
Ap. I	Fixture Unit Value Curves for Water Closets	Plumbing	Plumbing
Ap. J	Sizing Grease Interceptors	Plumbing	Plumbing
Ap. K	Flow in Sloping Drains	Plumbing	Plumbing
Ap. L	An Acceptable Brazing Procedure for General Plumbing	Plumbing	Plumbing

3. Electrical Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspections
Article 90	Introduction	Electrical	Electrical
Ch. 1	General	Electrical	Electrical
Ch. 2	Wiring and Protection		
	200.1-250.50	Electrical	Electrical
	250.52(A)1-2	Electrical	Electrical
	250.52(A)3	Electrical/Building	Building
	250.52(A)4-7	Electrical	Electrical

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
	706.3	Building	Building
	707	Fire	Fire
	708	Fire	Fire

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

9. Radon Hazard Subcode: Building subcode official, except that N.J.A.C. 5:23-10.4(b)14 shall be the responsibility of the Electrical Subcode official.

(b) 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.

(c) Responsibility for enforcement of the Barrier Free Subcode and Radon Hazard Subcode shall be in accordance with N.J.A.C. 5:23-7.14 and 10.3, respectively.

(d) Any mechanical inspector employed by the Department or by a municipality, and so assigned by the construction official, shall have the responsibility for enforcement of the 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 Group R-3, R-4, or R-5 structures.

1. When assigned by the construction official, a plumbing subcode official shall have the responsibility for the enforcement of the provisions of the code, except electrical, for the replacement of heating or cooling equipment or water heaters in Group R-3, R-4, or R-5 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).
 Amended by R.2000 d.166, effective April 17, 2000.
 See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).
 In (b)2, changed Chapter 21 and Chapter 31 through 33 references in the Building Subcode, and inserted Chapter 12 reference in the Mechanical Subcode; and in (d)2, deleted a former Chapter 21 reference in the Building Subcode, and changed Chapter 12 reference in the Mechanical Subcode.
 Amended by R.2001 d.141, effective May 7, 2001.
 See: 32 N.J.R. 3917(a), 33 N.J.R. 746(a), 33 N.J.R. 1399(d).
 In (b)1 and (b)2, deleted "as follows: (All except M-801.2)" following "Chapter 8" in the Mechanical Code; in (d)1, deleted "Chapter 8 as follows: M-801.2" in the Mechanical Code; in (d)2, deleted "3007.3" following "413.5.2", inserted "3305.0" following "414.5", and deleted "408.3.1", "3305.0" and "414.5" at the end of the Building Subcode, and deleted "Chapter 8 as follows: M-801.2" in the Mechanical Subcode.
 Amended by R.2001 d.196, effective June 18, 2001.
 See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).
 In (a)1, (a)2, (b)1, (b)2, (d)1 and (d)2, rewrote Mechanical Subcode and inserted Fuel Gas Subcode.
 Amended by R.2001 d.244, effective July 16, 2001 (operative January 16, 2002).
 See: 33 N.J.R. 1241(a), 33 N.J.R. 2471(a).
 In "ENERGY SUBCODE" categories of (a) through (c), listed specific sections of Chapters 5 and 6, relating to building subcode official responsibility.
 Administrative correction.
 See: 33 N.J.R. 3308(a).
 Amended by R.2002 d.6, effective January 7, 2002.
 See: 33 N.J.R. 2570(a), 33 N.J.R. 3883(a), 34 N.J.R. 268(a).
 In (a), inserted "ELECTRICAL SUBCODE" in categories 1 and 2, and updated references to officials in "ENERGY SUBCODE" category 1; in (c)1 and 2, updated "ELECTRICAL SUBCODE" chapter references.
 Amended by R.2003 d.240, effective June 16, 2003.
 See: 34 N.J.R. 3045(a), 35 N.J.R. 2637(c).
 In (c)2, added "N.J.A.C. 5:23-3.16(c) Automatic rain sensor device".
 Amended by R.2003 d.418, effective November 3, 2003.
 See: 35 N.J.R. 21(a), 35 N.J.R. 5064(a).

Rewrote the section.

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

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

In (a), (b), and (c), inserted "CABO Model Energy Code" following "ENERGY SUBCODE" and added ASHRAE Standard 90.1 tables throughout.

Amended by R.2004 d.312, effective August 16, 2004.

See: 35 N.J.R. 4947(a), 36 N.J.R. 3894(d).

Rewrote the section.

Administrative correction.

See: 37 N.J.R. 269(a).

Amended by R.2005 d.364, effective November 7, 2005.

See: 37 N.J.R. 2112(a), 37 N.J.R. 4216(a).

Rewrote the section.

Amended by R.2005 d.446, effective December 19, 2005.

See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).

Rewrote (a)3.

Administrative correction.

See: 38 N.J.R. 926(a).

Administrative correction.

See: 38 N.J.R. 1827(b).

In (a)3, Note 1 of the table, inserted "in" following "not installed".

Amended by R.2007 d.310, effective October 1, 2007.

See: 39 N.J.R. 135(a), 39 N.J.R. 4113(b).

Added (a)9.

Amended by R.2008 d.112, effective May 5, 2008.

See: 39 N.J.R. 4366(a), 40 N.J.R. 2229(a).

In the table at (a)1, rewrote entries in "Ch. 4", "Ch. 16", "Ch. 30" and "Ch. 31", and in entries "Ch. 5" and "Ch. 6", inserted "/Fire" in the third column; in the table at (a)2, deleted entry "Ch. 17" and added entries "Ap. J", "Ap. K" and "Ap. L"; rewrote tables at (a)4, (a)5 and (a)6; and in the table at (a)7, under "Ch. 6", inserted entry "635" and rewrote entry "Ch.7".

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) Posted hydraulic system data plate: In lieu of the nameplate of the referenced NFPA standard(s), fire sprinkler system contractors are required to identify hydraulically designed fire sprinkler systems by affixing a permanently marked weatherproof metal or rigid plastic sign at the alarm valve. The nameplate shall contain information relative to the design parameters of the system as indicated on Form No. F380. The

plate shall be secured at the alarm valve with corrosion resistant wire, chain, or other approved means.

(e) Identifying emblems for structures with truss construction: Identifying emblems shall be permanently affixed to the front of structures with truss construction as required by N.J.A.C. 5:70-2.20.

1. The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by six inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem:

i. "F" to signify a floor with truss construction;

ii. "R" to signify a roof with truss construction; or

iii. "F/R" to signify both a floor and roof with truss construction.

2. The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be installed and maintained by the owner of the building.

3. Detached one and two-family residential structures with truss construction that are not part of a planned real estate development shall be exempt from the requirements of (e) above, unless required by municipal ordinance.

4. Individual structures and dwelling units with truss construction that are part of a planned real estate development shall not be required to have an identifying emblem if there is an emblem affixed at each entrance to the development.

(f) Swimming pools, spas and hot tubs: A valid electrical certificate of compliance and a bonding and grounding certificate shall be posted by the owner in a conspicuous place in or around the pool pump house or equipment control room.

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.

Amended by R.2000 d.47, effective February 7, 2000.

See: 31 N.J.R. 2314(a), 32 N.J.R. 443(a).

Added (f).

Amended by R.2000 d.166, effective April 17, 2000.

See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

Rewrote (d) and (e).

5:23-3.6 Standards; accepted practice

(a) This chapter, together with the subcodes, national standards and appendices it adopts by reference, shall be the primary guide to accepted engineering practice in respect to any material, equipment, system or method of construction therein specified.

(b) When this chapter and the subcodes, national standards and appendices it adopts by reference are silent, a manufacturer's recommendations for the installation of any material or assembly may be considered to be accepted engineering practice; provided, however, that a manufacturer's recommendations shall not be read to overrule this chapter or any subcode, national standard or appendix which it adopts by reference.

New Rule, R.1988 d.283, effective June 20, 1988.

See: 20 N.J.R. 699(a), 20 N.J.R. 1343(c).

Old text repealed and new text substituted.

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

Contractor not liable for injuries caused by failure of subcontractor to provide and install material in conformance with State building code. *Miltz v. Borroughs—Shelving, a Div. of Lear Siegler, Inc.*, 203 N.J.Super. 451, 497 A.2d 516 (App.Div.1985).

5:23-3.7 Municipal approvals of alternative materials, equipment, or methods of construction

(a) Approvals: Alternative materials, equipment, or methods of construction shall be approved by the appropriate subcode official provided the proposed design is satisfactory and that the materials, equipment, or methods of construction are suitable for the intended use and are at least the equivalent in quality, strength, effectiveness, fire resistance, durability and safety of those conforming with the requirements of the regulations.

1. A field evaluation label and report or letter issued by a nationally recognized testing laboratory verifying that the specific material, equipment, or method of construction meets the identified standards or has been tested and found to be suitable for the intended use, shall be accepted by the appropriate subcode official as meeting the requirements of (a) above.

2. Reports of engineering findings issued by nationally recognized evaluation service programs, such as, but not limited to, the Building Officials and Code Administrators (BOCA), the International Conference of Building Officials (ICBO), the Southern Building Code Congress International (SBCCI), the International Code Council (ICC), and the National Evaluation Service, Inc., shall be accepted by the appropriate subcode official as meeting the require-

ments of (a) above. The materials, equipment, or assembly shall be installed in accordance with the conditions specified in the report.

(b) Research and investigations: The appropriate subcode official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, he may approve its use subject to the requirements of the regulations. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

(c) Research reports: The appropriate subcode official may accept, as supporting data to assist in this determination, duly authenticated research reports from approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for in the regulations.

Amended by R.1992 d.390, effective October 5, 1992.

See: 24 N.J.R. 1844(a), 24 N.J.R. 3515(b).

Reference to exception in 3.8 added.

Amended by R.2003 d.384, effective October 6, 2003.

See: 35 N.J.R. 2422(a), 35 N.J.R. 4712(a).

Rewrote (a).

5:23-3.8 Products violating the Code

(a) The Department shall, after public hearing and in accordance with the Administrative Procedure Act (P.L. 1968, c.410, as amended), establish and distribute to all enforcing agencies a list of items, devices and materials the regular and intended use of which would violate any provision of the State Uniform Construction Code. A list of such items is set forth in (d) below.

(b) Upon determining that any manufacturer or distributor in the State is selling or offering for retail sale any product on the list which does not have a regular and intended use that does not violate the Code, or any product which may have one or more such non-violative regular and intended use but which is being advertised or promoted for a use that does violate the Code, the Department or any enforcing agency having jurisdiction shall give written notice of the violation of N.J.S.A. 52:27D-138a(5) to such seller. Such notice shall forbid the further sale or offering for retail sale of such product within the State and shall specify a date and time by which such product shall be removed from display to customers.

4. Rehabilitation subcode code change proposals shall be submitted to the Code Development Unit, Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625. Code change proposals may be faxed to the Code Development Unit at (609) 984-7717 or (609) 633-6729.

5. A public hearing for rehabilitation subcode code change proposals shall be held prior to a scheduled Code Advisory Board meeting. The date and time of the public hearing on rehabilitation subcode code change proposals may be obtained by contacting the Code Development Unit at (609) 984-7609.

(c) The following apply to code change proposals to other State-developed subcodes:

1. Proposals for code changes to other State-developed subcodes may be submitted to the Department at any time and shall include the information outlined in (b)2 above.

2. Code change proposals to other State-developed subcodes shall be submitted to the Code Development Unit in accordance with (b)4 above.

Amended by R.2004 d.261, effective July 6, 2004.

See: 36 N.J.R. 1267(a), 36 N.J.R. 3275(a).

Rewrote the section.

Amended by R.2005 d.342, effective October 17, 2005.

See: 37 N.J.R. 2325(a), 37 N.J.R. 3974(a).

In (a)1, added "private party," and substituted "240" for "90"; in (a)2, added "party or", "company," ",", following "agency", and "if applicable,;" added (c).

5:23-3.14 Building subcode

(a) Rules concerning the building subcode are as follows:

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the model code of the International Code Council, 2006 International Building Code, known as the "IBC/2006." This code is hereby adopted by reference as the building subcode for New Jersey subject to the modifications stated in (b) below.

i. Copies of this code may be obtained from the International Code Council at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

ii. The IBC/2006, as amended, may be known and cited as the "building subcode."

2. Any references to the mechanical code, plumbing code, International Residential Code, ICC/ANSI A117.1 standard (including reference to Chapter 11) or the ICC Electrical Code listed in Chapter 35 shall be considered a reference to the appropriate adopted mechanical, plumbing, one- and two-family dwelling or electrical subcode referenced in N.J.A.C. 5:23-3 or to the barrier free subcode, N.J.A.C. 5:23-7, as appropriate.

(b) The following chapters of the building subcode are modified as follows:

1. Chapter 1, Administration, shall be deleted in its entirety. In addition, any referenced section of Chapter 1 shall be deleted throughout the code and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.

i. In Section 308.2, Group I-1; Section 308.3, Group I-3; Section 308.5, Group I-4, daycare facilities; Section 310.1, Residential Group R; and Section 1704.1, General, in Exception 3, "as applicable in Section 101.2" shall be deleted.

2. Chapter 2, Definitions, shall be amended as follows:

i. The definition of "addition," shall be deleted.

ii. In the definition of agricultural buildings, "A structure qualifying under the Uniform Construction Code definition of a Commercial Farm Building may be built according to the regulations at N.J.A.C. 5:23-3.2(d)" shall be inserted after the last sentence.

iii. The definition of "alteration" shall be deleted.

iv. The definition of "building" shall be deleted and the following shall be inserted: "BUILDING. 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."

v. The definition of "building line" shall be deleted.

vi. The definition of "building official" shall be deleted and the following shall be inserted: "BUILDING SUBCODE OFFICIAL. 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."

vii. The definition of "existing structure" shall be deleted.

viii. In the definition of "Dwelling Unit," "living as a single housekeeping unit" shall be inserted after "persons."

ix. The definitions of "historic building" and "jurisdiction" shall be deleted.

x. A definition of "nightclub" shall be inserted as follows:

"NIGHTCLUB. All buildings and places of public assembly designed for use as dance halls, eating and/or drinking establishments, and similar occupancies, in which the established maximum permitted occupant load exceeds the number of seats provided by more than 30 percent or which affords less than 12 square feet net area per occupant. For purposes of determining the net area per occupant.

partment, only the actual public assembly room or rooms shall be considered. For purposes of applying the requirements of this code, the nightclub shall include all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance.”

xi. The definition of “owner” shall be deleted and the following shall be inserted: “OWNER. The owner or owners in fee of the property of 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.”

xii. The definitions of “permit,” “person,” and “repair” shall be deleted.

xiii. The definition of “structure” shall be deleted and the following shall be inserted: “STRUCTURE. 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 phrase “or part or parts thereof and all equipment therein” unless the context clearly requires a different meaning.

3. Chapter 3, Use and Occupancy Classification, shall be amended as follows:

i. In Table 307.1(2), Maximum Allowable Quantity Per Control Area of Hazardous Materials Posing a Health Hazard^{a,b,c,j}, the following shall be inserted as the fourth row of the table under “Material,” “Storage^d,” “Use-Closed Systems^d,” and “Use-Open Systems^d.”

Radioactive ^k	25 REM unsealed source 100 REM sealed source	100 REM sealed source	25 REM sealed source
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k. Maximum dosage allowed in any single whole-body short-term (1 hour or less) exposure.

ii. In Section 307.2, Definitions, the following definition shall be inserted: “RADIOACTIVE MATERIAL. Any material or combination of materials that spontaneously emit ionizing radiation.”

iii. In Section 303.1, Delete “Dance halls” from Group A-3 and insert “Dance halls” into Group A-2.

iv. Section 308.2, Group I-1, shall be amended as follows: In the first sentence, “16” shall be deleted and “5” shall be inserted. In the second sentence, “responding to” shall be deleted and “slow evacuation in” shall be inserted. In addition, “For the purposes of applying this provision, slow evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than three minutes, but not more than thirteen minutes.” shall be inserted as the third sentence. In the list of types of occupancies, “residential board and care facilities, as-

sisted living facilities” shall be deleted and “boarding houses” shall be inserted. In the same list, “abuse” shall be inserted after “drug.” Also, “A facility such as above, housing at least six and not more than 16 persons shall be classified as a Group R-4” shall be deleted and the following definition of “boarding house” shall be inserted:

“Boarding House: A building arranged or used for single occupancy where meals or personal or financial services are provided to the residents.”

v. In Section 308.3, Group I-2, “who are not capable of self-preservation” shall be deleted and “where evacuation is impractical” shall be inserted. For the purposes of applying this provision, impractical evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than 13 minutes. In the list of types of occupancies, “assisted living facilities” shall be inserted.

vi. In Section 308.5, Group I-4, in the second sentence, “with” shall be deleted and “accessory to a dwelling unit and having” shall be inserted.

vii. In Section 308.5.1, Adult Care Facility, “accommodations for less than 24 hours for more than five unrelated adults and provides” shall be deleted, “services” shall be deleted after “care,” and the following shall be inserted: “on less than a 24-hour basis where evacuation is slow or impractical, shall be classified as Group I-4. For the purposes of applying this provision, impractical evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than thirteen minutes and slow evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than three minutes, but not more than thirteen minutes.” In the exception, “of responding to an emergency situation” shall be deleted and “of prompt evacuation” shall be inserted. In addition, “For the purposes of applying this provision, prompt evacuation shall mean the movement of all occupants, residents, and staff to an exit in three minutes or less.” shall be inserted as the second sentence.

viii. Section 308.5.2, Child Care Facility, shall be deleted and the following shall be inserted: “A facility that provides supervision and personal care on less than a 24-hour basis for children 2½ years of age or less shall be classified as Group I-4.” In the same section, the exception shall be deleted.

ix. Section 310, Residential Group R, shall be deleted and the following definitions shall be inserted:

“(1) R-1 Residential occupancies containing sleeping units where the occupants are primarily transient (less than 30 days) including:

Hotels (including motels) having transient occupancy

Rooming houses, with more than five residents, having transient occupancy

Vacation timeshare properties

(2) R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

Apartment houses

Convents

Dormitories

Fraternity and sorority houses

Hotels (non transient)

Monasteries

Motels (non transient)

Rooming houses with more than five residents, not having transient occupancy

Therapeutic residences with more than 16 residents

(3) R-3 Detached one- and two-family dwellings greater than three stories in height, multiple single-family townhouses greater than three stories in height, attached two-family dwellings separated from adjacent units by firewalls, and other one- and two-family dwellings that are outside the scope of the one- and two-family dwelling subcode. Group R-3 includes:

Single residential occupancies, accessory to a dwelling unit, having no more than five roomers or lodgers (Single occupancies, accessory to a dwelling unit, having more than five roomers or lodgers shall be classified as Group R-2 or I-1, as appropriate.)

Adult and child day care facilities, accessory to a dwelling unit, serving five or fewer persons of any age for less than 24 hours.

Rooming houses with five or fewer residents.

Therapeutic residences with five or fewer residents.

(4) R-4 Therapeutic residences including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided in the code.

(5) R-5 Detached one- and two-family dwellings not more than three stories in height and multiple single-family townhouses not more than three stories in height designed and constructed in accordance with

the one- and two-family dwelling subcode. Group R-5 also includes:

Single residential occupancies, accessory to a dwelling unit, having no more than five roomers or lodgers (Single occupancies, accessory to a dwelling unit, having more than five roomers or lodgers shall be classified as Group R-2 or I-1, as appropriate.)

Adult and child day care facilities, accessory to a dwelling unit, serving five or fewer persons of any age for less than 24 hours.

Rooming houses with five or fewer residents.

Therapeutic residences with five or fewer residents.”

4. Section 310.2, Definitions, shall be amended as follows:

i. The definition of “Boarding House” shall be deleted in its entirety.

ii. The definition of “Personal Care Service” shall be deleted in its entirety.

iii. The definition of “Residential Care/Assisted Living Facilities” shall be deleted in its entirety.

iv. The definition of “Rooming House” shall be inserted as follows: “Rooming House: A building arranged or used for single occupancy where no meals or personal or financial services are provided to the residents.”

v. The definition of “Single Residential Occupancy” shall be inserted as follows: “Single Residential Occupancy: A building arranged or used for individual non-transient residency by persons living independently of one another, regardless of whether the residents share the use of common facilities, such as kitchen or bathing facilities.”

vi. The definition of “Therapeutic Residence” shall be inserted as follows: “Therapeutic Residence: A residence for adults, each of whom is capable of prompt evacuation, and who live within a single dwelling unit for therapeutic purposes, without a resident landlord or operator, but with some government or private social service provider oversight. For the purposes of applying this provision, prompt evacuation shall mean the movement of all occupants, residents, and staff to an exit in three minutes or less.”

vii. The definition of “Transient Occupancy” shall be inserted as follows: “Transient Occupancy: A residential occupancy where no more than fifteen percent of the residents occupy the residency for more than 90 days.”

5. Chapter 4, Special Detailed Requirements Based on Use and Occupancy, shall be amended as follows:

i. In Section 402.4.2, Number of Means of Egress, "used by persons other than employees" shall be deleted.

ii. In Section 403.11, Emergency power systems, "Section 2702" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

iii. In Section 406.1.4, Separation, Item 1 shall be deleted and the following text from the 2000 International Building Code as amended by New Jersey shall be inserted:

"1. A private garage located beneath a room(s) shall have walls, partitions, floors, and ceilings separating the garage from the adjacent interior spaces constructed with not less than a one-hour fire resistance rating (See FTO 13). Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by a means of 1/2-inch gypsum board or equivalent applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 13/8 inches (35 mm) thick, solid or honeycomb core steel doors not less than 13/8 inches (35 mm) thick or doors in compliance with Section 715.4.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted."

iv. In Section 411.4, Automatic sprinklers, the exception shall be deleted in its entirety.

v. In Section 412.1.5, Standby power, "Section 2702" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

vi. In Section 412.1.6, Accessibility, "Chapter 11" shall be deleted and "the barrier free subcode (N.J.A.C. 5:23-7)" shall be inserted.

vii. In Section 414.5.4, Standby or electrical power, "this code or the ICC Electrical Code" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

viii. In Section 417.1, General, "Chapter 28" shall be deleted and "the mechanical subcode (N.J.A.C. 5:23-3.20)" shall be inserted.

ix. In Section 420.8, Standby power, "Chapter 27" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

6. Chapter 5, General Building Heights and Areas, shall be amended as follows:

i. Table 503, Allowable Heights and Building Areas, shall be amended as follows:

(1) Under construction Type VA for Group A-1, "2" shall be deleted and "1" shall be inserted.

(2) Under construction Type IB for Group A-2, "11" shall be deleted and "3" shall be inserted. Under construction Types IIA and IIB for Group A-2, "3" and "2" shall be deleted and "2" and "1" shall be inserted, respectively. Under construction Types IIIA and IIIB for Group A-2, "3" and "2" shall be deleted and "2" and "1" shall be inserted, respectively. In addition, under construction Type IV for Group A-2, "3" shall be deleted and "2" shall be inserted. Finally, under construction Type VA for Group A-2, "2" shall be deleted and "1" shall be inserted.

(3) Under construction Type IB for Group A-3, "11" shall be deleted and "5" shall be inserted. In addition, under construction Type VA for Group A-3, "2" shall be deleted and "1" shall be inserted.

(4) Under construction Type IB for Group A-4, "11" shall be deleted and "5" shall be inserted. In addition, under construction Type VA for Group A-4, "2" shall be deleted and "1" shall be inserted.

(5) The maximum number of stories and maximum allowable area for Group A-5, construction Types IIIB, IV, VA and VB shall be deleted.

(6) Under construction Type IB for Group B, "11" shall be deleted and "7" shall be inserted. In addition, under construction Type IIB for Group B, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type IIIA and IIIB for Group B, "5" and "4" shall be deleted and "4" and "3" shall be inserted, respectively.

(7) Under construction Type IB for Group F-1, "11" shall be deleted and "6" shall be inserted.

(8) Under construction Type IB for Group F-2, "11" shall be deleted and "7" shall be inserted.

(9) Under construction Type IA for Group H-2, "UL" shall be deleted and "3" shall be inserted. In addition, the maximum number of stories and maximum allowable area for Group H-2, construction Type VB shall be deleted and "NP" shall be inserted.

(10) Under construction Type IA for Group H-3, "UL" shall be deleted and "7" shall be inserted. In addition, under construction Type IIIA for Group H-3, "4" shall be deleted and "3" shall be inserted.

(11) Under construction Type IA for Group H-4, "UL" shall be deleted and "7" shall be inserted. In addition, under construction Type IIIA for Group H-4, "5" shall be deleted and "4" shall be inserted.

(12) Under construction Type VA for Group I-3, "2" shall be deleted and "1" shall be inserted. In addition, the maximum number of stories and the maximum allowable area for Group I-3, construction Type VB shall be deleted and "NP" shall be inserted.

(13) Under construction Type IB for Group M, "11" shall be deleted and "6" shall be inserted. Under construction Type IIB for Group M, "4" shall be deleted and "2" shall be inserted. In addition, under construction Types IIIA and IIIB, "4" shall be deleted and "3" and "2" shall be inserted, respectively. Finally, under construction Type VA, "3" shall be deleted and "2" shall be inserted.

(14) Under construction Type IB for Group R-1, "11" shall be deleted and "9" shall be inserted. In

addition, under construction Type IIB for Group R-1, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type IIIB for Group R-1, "4" shall be deleted and "3" shall be inserted.

(15) Under construction Type IB for Group R-2, "11" shall be deleted and "9" shall be inserted. In addition, under construction Type IIB for R-2, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type IIIB for Group R-2, "4" shall be deleted and "3" shall be inserted.

(16) Under construction Type IB for Group R-3, "11" shall be deleted and "4" shall be inserted. Under construction Type IIB for Group R-3, "4" shall be deleted and "3" shall be inserted. In addition, under construction Type IIIB for Group R-3, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type VB for Group R-3, "3" shall be deleted and "2" shall be inserted.

(17) Under construction Type IB for Group R-4, "11" shall be deleted and "4" shall be inserted. Under construction Type IIB for Group R-4, "4" shall be deleted and "3" shall be inserted. In addition, under construction Type IIIB for Group R-4, "4" shall be deleted and "3" shall be inserted.

(18) Under construction Type IB for Group S-1, "11" shall be deleted and "5" shall be inserted. Under construction Type IIB for Group S-1, "3" shall be deleted and "2" shall be inserted. In addition, under construction Type IIIB for Group S-1, "3" shall be deleted and "2" shall be inserted. Finally, under construction Type VA for Group S-1, "3" shall be deleted and "2" shall be inserted.

(19) Under construction Type IB for Group S-2, "11" shall be deleted and "7" shall be inserted. Under construction Type IIB for Group S-2, "4" shall be deleted and "3" shall be inserted. In addition, under construction Type IIIB for Group S-2, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type VA for Group S-2, "4" shall be deleted and "3" shall be inserted.

(20) Use Group U shall be deleted.

ii. In Section 505.4, Openness, Exception 5 shall be deleted in its entirety.

iii. In Section 506.2.2, Open space limits, "not less than 20 feet in width," shall be inserted at the end of the sentence.

iv. Section 507.2, Unsprinklered, one story, shall be deleted in its entirety.

v. Section 507.4, Two-story, shall be amended as follows: In the first sentence, "building of Type I or Type II construction under" shall be inserted after "two-story."

vi. In Table 508.3.3, Required Separation of Occupancies (Hours), "U^b" shall be deleted in the fourth row of the table.

7. Chapter 6, Types of Construction, shall be amended as follows:

i. In Table 602, Fire Resistance Rating Requirements for Exterior Walls Based on Fire Separation Distance^a, "U" shall be deleted from the heading of the fifth column. In addition, in the same table, at Note b, "and

Group U when used as an accessory to Group R3" shall be deleted.

ii. In Section 602.3, Type III, "(See FTO 14)" shall be inserted after "materials." In addition, the second sentence shall be deleted.

8. Chapter 7, Fire-Resistance-Rated Construction, shall be amended as follows:

i. In Table 705.4, Fire Wall Fire Resistance Ratings, under the heading "Group," "U" shall be deleted.

ii. Section 705.5, Horizontal continuity, Section 705.5.1, Exterior walls, and Section 705.5.2, Horizontal projecting elements, shall be deleted in their entirety. Section 707.6 of the 1996 BOCA National Building Code shall be inserted as follows: "Horizontal Continuity. Firewalls shall be made smoke tight at the junction of exterior walls. In exterior wall construction employing studs, the wall shall extend through the stud space to the exterior sheathing."

iii. In Section 707.2, Shaft enclosure required, Exception 11 shall be deleted in its entirety.

iv. Section 707.14.1, Elevator lobby, shall be amended as follows: In the first sentence, "In buildings having occupied floors greater than 75 feet above the lowest level of fire department vehicle access" shall be inserted before "An." In the same section, Exception 4 shall be deleted in its entirety.

v. Section 707.14.2, Enclosed elevator lobby pressurization alternative, shall be deleted in its entirety.

9. Chapter 9, Fire Protection Systems, shall be amended as follows:

i. In Section 903.1.1, Alternative protection, "fire code official" shall be deleted and "fire protection sub-code official" shall be inserted.

ii. New Section 903.1.2, Residential systems, shall be inserted as follows:

"903.1.2.1 Residential systems. Unless specifically allowed by this code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be recognized for the purpose of exceptions or reductions permitted by other requirements of this code.

iii. Section 903.2.1.2., Group A-2, shall be amended to add a new section 903.2.1.2.1 as follows: "903.2.1.2.1 In Group A-2 Nightclubs, the automatic sprinkler system shall be tied to the performance sound system and to the house lights in such a way that activation of the automatic sprinkler system mutes the performance sound system and restores the intensity of illumination to that required by 1003.2.11.1."

iv. In Section 903.2.5, Group I, the exception shall be deleted and the following shall be inserted:

“Exceptions

1. An automatic fire sprinkler system installed in accordance with Section 903.3.1.2. shall be allowed in Group I-1 facilities.

2. For other than buildings of construction Types IIIB or VB, an automatic fire sprinkler system shall not be required for Group I-4 child care facilities that are located at the level of exit discharge and that accommodate 100 or fewer children and in which each child care room has an exit door directly to the exterior.”

v. Section 903.2.10.1, Stories and basements without openings, shall be deleted in its entirety and Section 904.10 of the 1996 BOCA National Building Code shall be inserted as follows: “Windowless story: An automatic fire sprinkler system shall be provided throughout every story or basement of all buildings where there is not provided at least one of the following types of openings:

1. An exterior stairway that conforms to the requirements of Section 1005.3.6, or an outside ramp that conforms to the requirements of Section 1003.3.4, leading directly to grade in each 50 linear feet (15240 mm) or fraction thereof of exterior wall in the story or basement, on at least one side of the building.

2. Openings entirely above the adjoining ground level totaling 20 square feet (1.9 m²) in each 50 linear feet (15240 mm) or fraction thereof of exterior wall in the story or basement, on at least one side of the building. Openings shall have a least dimension of not less than 22 inches (559 mm), and shall have a minimum net clear opening of 5 square feet (0.5 m²). Access to such openings from the exterior shall be provided to the fire department and such openings shall be unobstructed to allow fire fighting and rescue operations from the exterior.

Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22860 mm) from such openings, the story shall be equipped throughout with an automatic fire sprinkler system or openings as specified herein shall be provided on at least two sides of the exterior walls of the story. If any portion of a basement is located more than 75 feet (22860 mm) from the openings required in this section, the basement shall be equipped throughout with an automatic sprinkler system.

Exception: Occupancies in Group R-3.”

vi. New Section 903.2.14, Automatic sprinkler system thresholds, shall be inserted as follows: “An automatic sprinkler system shall be required in accordance with Section 903.3.1.1 when the maximum area is exceeded for the following construction types of Groups B, F-2, and S-2 according to table 903.2.16, Automatic Sprinkler System Thresholds. All others not listed shall follow the applicable requirements as set forth in the IBC/2006.”

“Automatic Sprinkler System Thresholds

Group B		IIB	IIIB	VB
Story	Max. Area	Max. Area	Max. Area	Max. Area
1	36,000	*	*	*
2	72,000 (36,000 per floor)	*	*	*
3	99,360 (36,000 per floor)	99,360 (36,000 per floor)	99,360 (36,000 per floor)	*

Group F-2		IIB	IIIB	VB
Story	Max. Area	Max. Area	Max. Area	Max. Area
1	36,000	*	*	18,000
2	72,000 (36,000 per floor)	*	*	36,000 (18,000 per floor)
3	99,360 (36,000 per floor)	99,360 (36,000 per floor)	*	*

Group S-2a		IIB	IIIB	VB
Story	Max. Area	Max. Area	Max. Area	Max. Area
1	36,000	36,000	36,000	18,000
2	72,000 (36,000 per floor)	72,000 (36,000 per floor)	72,000 (36,000 per floor)	36,000 (18,000 per floor)
3	99,360 (36,000 per floor)	99,360 (36,000 per floor)	99,360 (36,000 per floor)	*

a. Exception—Open parking structures in accordance with Section 406.3

*Requirements as set forth in the IBC/2006”

vii. In Section 903.3.5, Water supplies, “International Plumbing Code” shall be deleted and “the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted.

viii. In Section 903.3.6, Hose threads, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

ix. In Section 903.4.1, Signals, “or, when approved by the fire code official, shall sound an audible signal at a constantly attended location” shall be deleted. In addition, in the same section, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

x. Section 903.5, “Testing and Maintenance”, shall be deleted and the following shall be inserted in its place: “903.5 Acceptance tests: All sprinkler systems with the exception of limited area sprinkler systems shall

be tested in accordance with NFPA 13 listed in Chapter 35.

903.5.1 Flow test: All systems shall be tested at the test pipe to determine that water-flow detecting devices, including the associated alarm circuits, are in proper working order. Dry pipe systems shall deliver water to the inspector's test pipe in not more than 60 seconds.

903.5.2 Limited area sprinkler system acceptance test. All limited area sprinkler systems, which are not connected to a building standpipe system, shall be tested hydrostatically for a minimum of 15 minutes without visible leakage at the working pressure under which the system is to be used. Limited area sprinkler systems, which are connected to a building standpipe system, shall be tested in accordance with NFPA 13 listed in Chapter 35.

xi. In Section 904.2, Where required, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xii. In Section 905.2, Installation standards, Sections 915.4, 915.5, and 915.6 of the 1996 BOCA National Building Code shall be inserted as follows: "905.2.1 Piping design. The riser piping, supply piping and the water service piping shall be sized to maintain a residual pressure of at least 65 psi (448 kPa) at the topmost outlet of each riser while flowing the minimum quantities of water specified in Sections 905.2.1.1 and 905.2.1.2. The pipe size shall be based on the capacity of the automatic water supply system or, where an automatic water supply is neither required nor provided to maintain the residual pressure of 65 psi (448 kPa), the pipe size shall be based on a pressure of 150 psi (1,034 kPa) available at the fire department connection.

Exception: The residual pressure of 65 psi (448 kPa) is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and where the highest floor level is not more than 150 feet (45720 mm) above the lowest level of fire department vehicle access.

905.2.1.1 Riser sizing: The riser size shall be based on hydraulic calculations for a minimum flow of 500 gallons per minute (gpm) (1892 L/min.).

Exceptions:

1. Where only 1½-inch valves are provided, the riser(s) shall be sized to provide a minimum flow of 100 gpm (378 L/min.).

2. In buildings where limited area sprinkler systems are supplied with water from a common standpipe riser, the riser shall be sized to satisfy total demand.

3. For occupancies in Group B, I, R-1 or R-2 in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 906.2.1, each

riser shall be sized for a minimum flow of 250 gpm (945 L/min.).

4. Risers that are sized in accordance with the pipe schedule requirements of NFPA 14 listed in Chapter 35 are not subject to this requirement.

905.2.1.2 System pipe sizing: The system piping, including the horizontal or common feeder lines shall be sized for a minimum flow of 500 gpm (1,892 L/min.). Where more than one standpipe riser is required or provided, all common system piping shall be sized for a minimum flow of 500 gpm (1892 L/min.) for the first riser plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 1,250 gpm (4731 L/min.).

Exceptions

1. Where only 1½-inch valves are provided, the supply piping shall be sized for a minimum flow of 100 gpm (378 L/min.) for each riser, and the total shall not be required to exceed 500 gpm (1892 L/min.).

2. In buildings where limited area sprinkler systems are supplied with water from a common standpipe riser, the supply piping shall be sized for a minimum flow of 500 gpm (1892 L/min.) plus the sprinkler demand for the first riser, plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 1,250 gpm (4731 L/min.).

3. For occupancies in Group B, I, R-1 or R-2 in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, all common supply piping shall be sized for a minimum flow of 250 gpm (945 L/min.) for the first riser plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 750 gpm (2838 L/min.).

905.2.2 Water supply: A water supply for fire department equipment shall be available to the building site. The water supply shall be capable of a minimum flow as required by Section 905.2.1.2 for a duration of 30 minutes.

905.2.2.1 Automatic water supply: An automatic water supply is required for all standpipe systems. The automatic water supply and supply piping shall be capable of delivering a flow of 500 gpm (1892 L/min.) at the residual pressure specified in Section 905.2.1 for a duration of 30 minutes.

Exceptions

1. In buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 where the highest floor is located not more than 150 feet (45720 mm) above the lowest level of fire department vehicle access, the automatic water supply is not required to exceed the requirements of NFPA 13 listed in Chapter 35.

2. Dry standpipe systems installed in open parking structures.

905.2.2.2 Interconnection: The required water supply shall be connected to the base of each standpipe riser. Where more than one standpipe riser is required, all risers shall be interconnected with a common supply line. An approved indicating valve shall be installed to permit individual risers to be taken out of service.”

905.2.3 Control valves: Where a standpipe system riser also serves as the automatic sprinkler system riser in building required to have both systems or in buildings having both systems, sprinkler control valves shall be installed at each floor level at the connection to the riser.

xiii. Add new section 907.2.1.3 as follows:

“907.2.1.3 Group A-2 Nightclubs. An automatic fire detection system shall be installed throughout all Group A-2 nightclubs with an occupant load of 100 or more. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke detectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected. The automatic fire detection system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by 1003.2.11.1.

Exception: Automatic fire detection systems are not required in buildings provided with an automatic sprinkler system throughout.”

xiv. New Section 905.3.2 shall be inserted as follows:

“905.3.2 Building area. In buildings exceeding 10,000 square feet (929 m²) in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building’s interior area is more than 200 feet (60,960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

Exceptions:

1. Buildings equipped throughout with automatic sprinkler systems installed in accordance with Section 903.3.1.1.

2. Group A-4, A-5, F-2, R-2, S-2 or U occupancies.

3. Automatic dry and semiautomatic dry standpipes are allowed as provided for in NFPA 14.

xv. Sections 903.5.3.2 through 903.5.3.7 shall be renumbered as 903.5.3.3 through 903.5.3.8 with no change in text.

xvi. In Section 905.4, Location of Class I standpipe hose connections, Items 1 and 2 shall be deleted in their entirety. Section 915.7 of the 1996 BOCA National Building Code shall be inserted as follows: “A standpipe hose connection shall be located at each floor level at every exit stairway, and on each side of the wall adjacent to the exit opening of a horizontal exit.

Exceptions

1. Where the floor areas adjacent to a horizontal exit are reachable from exit stairway outlets by a 30-foot (9,144 mm) hose stream from a nozzle attached to 100 feet (30,480 mm) of hose, a hose connection shall not be required at the horizontal exit.

2. Standpipe hose connections for systems required by Section 905.3.2. shall be permitted to be located only at exits such that all portions of the building floor area are not more than 200 feet (60,960 mm) from a hose connection or 200 feet (122 m) from the nearest point of fire department vehicle access.”

xvii. In Section 905.4, in Item 6, Location of Class I standpipe hose connections, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xviii. Section 905.4.2, Interconnection, shall be deleted in its entirety and Section 915.7.1 of the 1996 BOCA National Building Code shall be inserted as follows “905.4.2 Location: At each floor level and not more than 5 feet (1,524 mm) above the floor, there shall be connected to each standpipe a 2 ½ inch hose connection with valves and threads compatible with the connections used by the local fire department.”

xix. In Section 905.5.3, Class II system 1-inch hose, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xx. In Section 907.2.6, Group I, the following shall be inserted at the end of the section: “Alarms activated by smoke detectors required by this section shall be activated by a single smoke detector monitored by an alarm verification zone or an approved equivalent method.”

xxi. In Section 907.2.8, Group R-1, the following shall be inserted at the end of the section: “Alarms activated by smoke detectors required by this section shall be activated by a single smoke detector monitored by an alarm verification zone or an approved equivalent method.”

xxii. In Section 907.2.10, Single- and multiple-station smoke alarms, the following shall be inserted at the end of the section: “Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detectors and audible notification devices installed as required by this

section for smoke alarms, shall be permitted. The household fire alarm system shall provide the same level of smoke detection and alarm as required by this section for smoke alarms in the event the fire alarm panel is removed or the system is not connected to a central station.”

xxiii. In Section 907.3.5, Protective covers, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxiv. In Section 907.7, Presignal system, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxv. Section 907.9.1.2, Employee work area, is deleted in its entirety.

xxvi. In Section 909.5.1, Leakage area, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxvii. In Section 909.7, Airflow design method, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxviii. In Section 909.8, Exhaust method, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxix. In Section 909.9, Design fire, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxx. In Section 909.10, Equipment, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxxi. In Section 909.15, Control diagrams, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxxii. In Section 909.18.8.3, Reports, “The report shall be reviewed by the responsible registered design professional and, when satisfied that the design intent has been achieved, the responsible registered design professional shall seal, sign, and date the report” shall be deleted.

xxxiii. In Section 909.18.8.3.1, Report filing, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxxiv. In Section 909.19, System acceptance, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxxv. In Section 909.20.6.3, Acceptance and testing, “Section 2702” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

xxxvi. In Section 912.1, Installation, insert the following at the end of the section:

“Exceptions

1. Limited area sprinkler systems supplied from the domestic water system.

2. Where the local fire department approves a single connection for a large diameter hose of at least four inches (102 mm).

3. An automatic sprinkler system with less than 20 sprinklers.”

xxxvii. New section 912.2, Connections, shall be inserted as follows:

“912.2 Connections: Fire department connections shall be arranged in such a manner that the attachment to any one sprinkler connection will serve all sprinklers, and the attachment to any one standpipe connection will serve all standpipes within the building.

Exception: Fire protection systems in high rise buildings designed with a low zone and a high zone may be provided with a connection for each zone.”

xxxviii. Section 912.2, Location, shall be renumbered as 912.3 with no change in text. Additionally, Section 912.2.2, Existing buildings, shall be deleted in its entirety.

xxxix. New Section 912.4, Height, shall be inserted as follows:

“912.4, Height Fire department connections shall not be less than 18 inches (457 mm) and more than 42 inches (1,067 mm) in elevation, measured from the ground level to the centerline of the inlets.”

xl. Sections 912.3, Access and 912.4, Signs shall be renumbered as 912.5 and 912.6 respectively, with no change in text.

xli. In Section 912.5, Backflow protection, “International Plumbing Code” shall be deleted and “the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted.

10. Chapter 10, Means of Egress, shall be amended as follows:

i. The terms “Type A unit,” “Type B unit,” and “Accessible Unit” shall be deleted and “Adaptable or Accessible Unit” shall be inserted in the following sections: Section 1008.1.1, Exceptions 7 and 8; Section 1008.1.4, Exceptions 3 and 5; Section 1008.1.6, Exception; and Section 1008.1.7, Exception 3.

ii. In Section 1002, Definitions, in the definition of “Merchandise Pad,” “as indicated in Section 105.2” shall be deleted.

iii. In Section 1003.2, Ceiling height, “7 feet 6 inches (2286 mm)” shall be deleted and “7 feet (2134 mm)” shall be inserted.

iv. In Section 1003.5, Elevation change, in Exceptions 1, 2, and 3, "Chapter 11" shall be deleted and "the barrier free subcode (N.J.A.C. 5:23-7)" shall be inserted.

v. In Section 1004.1.1, Areas without fixed seating, the exception shall be deleted in its entirety.

vi. In Section 1004.2, Increased occupant load, "7 square feet (.65 m²)" shall be deleted and "5 square feet (.47 m²)" shall be inserted.

vii. In Section 1007.5, Platform lifts, "Section 2702.2.6" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

viii. In Section 1008.1.3.5, Security grilles, "In Groups B, F, M, and S" shall be deleted and "horizontal" shall be capitalized.

ix. In Section 1008.1.4, Floor elevation, in Exception 3, "7.75 inches (197 mm)" shall be deleted and "8.25 inches (210 mm)" shall be inserted.

x. In Section 1008.1.6, Thresholds, in the exception, "7.75 inches (197 mm)" shall be deleted and "8.25 inches (210 mm)" shall be inserted.

xi. In Section 1008.1.8.1, Hardware, "locks" shall be deleted. In the same section, "Chapter 11" shall be deleted and "the barrier free subcode (N.J.A.C. 5:23-7)" shall be inserted.

xii. Section 1008.1.8.3, Locks and latches, shall be amended as follows: In Item 2, "Group A having an occupant load of 300 or less" shall be deleted. In the same item, "and in places of religious worship" shall be deleted. In the same section, Item 5 shall be inserted as follows: "5. Key operation shall be permitted from a dwelling unit provided that the key cannot be removed from the lock when the door is locked from the side from which egress is made."

xiii. In Section 1008.1.8.6, Delayed egress locks, "E" shall be deleted.

xiv. In Section 1009.3, Stair tread and risers, Exception 4, change the maximum riser height from "7.75 inches (197 mm)" to "8.25 inches (210 mm)", change the minimum tread depth from "10 inches (254 mm)" to "9 inches (229 mm)" and change the minimum winder tread depth at the walk line from "10 inches (254 mm)" to "9 inches (229 mm)." In the same section, Exception 5 shall be deleted.

xv. In Section 1009.10, Handrails, Exception 4 and 5 shall be deleted and the following shall be inserted: "4. For occupancies of Group R-3, and within the individual dwelling units and sleeping units of Group R-2, handrails shall not be required for stairways with fewer than three risers."

xvi. In Section 1012.2, Height, add the following text: "Exception: For occupancies of Group R-3, and

within individual dwelling units in occupancies of Group R-2, handrails shall have a minimum height of 30 inches and a maximum height of 38 inches measured vertically from the nosing of the treads."

xvii. After Section 1012.3, Handrail graspability, the following text shall be inserted: "Exception: For occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2, the handgrip portion of handrails shall have a maximum circular cross section of 2.625 inches (67 mm). Other handrail shapes that provide an equivalent grasping surface are permissible."

xviii. In Section 1013.2, Height, Exception 1 shall be deleted and the following shall be inserted: "For occupancies in Group R-3 and within individual dwelling units in occupancies of Group R-2, porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads."

xix. In Section 1013.3, Opening limitations, at the end of the second sentence, the following shall be inserted: "except for occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2."

xx. Section 1014.2, Egress through intervening spaces, shall be deleted in its entirety. Section 1006.2.1 of the 1996 BOCA National Building Code shall be inserted as follows: "Egress through adjoining spaces: Egress from a room or a space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas are accessory to the area served; are not a high-hazard occupancy; and provide a discernable path of travel to an exit. A maximum of one exit access shall be permitted to pass through a kitchen, storeroom, restroom, closet or similar space provided that a passage through such space is not the only means of access to an exit. An exit access shall not pass through a room subject to locking. Means of egress from dwelling units or sleeping areas shall not lead through other dwelling units or sleeping areas and shall not lead through toilet rooms or bathrooms."

xxi. In Table 1017.1, Corridor Fire Resistance Rating, under the heading "Occupancy," "U" shall be deleted from the third row. In addition, "Not Permitted" shall be deleted from the fifth row and "1" shall be inserted.

xxii. In Table 1019.2, Buildings with One Exit, under the heading "Occupancy," "U" shall be deleted from the first row.

xxiii. In Section 1020.1, Vertical exit enclosures, Exception 1 shall be deleted and the following shall be inserted: "1. In other than Group H and I occupancies, a stairway connecting not more than two floor levels, one of which is the level of exit discharge, which serves an occupant load of not more than 10 or serves four or fewer dwelling units is not required to be enclosed." In the same section, Exception 8 and 9 shall be deleted.

xxiv. Section 1022, Horizontal exits, shall be deleted in its entirety. Section 1019.0 of the 1996 BOCA National Building Code shall be inserted as follows: "Horizontal Exits

1022.1 General: Horizontal exits shall be accepted as an approved exit element of a required means of egress. The connection between an area of a building that the horizontal exit serves and the area of refuge as herein required shall be accomplished by protected openings in a fire-resistance rated wall, or by an open-air balcony or bridge.

1022.2 Separation: The separation between buildings or areas of refuge connected by a horizontal exit shall be provided by at least a two-hour fire-resistance rated firewall or fire barrier with approved opening protectives complying with Chapter 7 and Table 602.

1022.3 Doors: All doors shall swing in the direction of egress travel. Where the horizontal exit serves as an exit from both sides of the wall, there shall be adjacent openings with swinging fire doors opening in opposite directions.

Exception: Horizontal sliding doors complying with Section 1008.1.3.3.

1022.4 Area of refuge: The discharge area of a horizontal exit shall be either public areas or spaces occupied by the same tenant, and each such area of refuge shall be adequate to hold the total occupant load of both connected areas. The capacity of areas of refuge shall be computed on a minimum net floor area allowance for each occupant to be accommodated therein, not including areas of stairways, elevators and other shafts or courts, as follows:

1. 30 square feet (3 m²) per patient for hospitals and nursing homes.
2. Six square feet (0.56 m²) per occupant on stories not housing patients confined to a bed or litter in an occupancy in Group 1-2.
3. Six square feet (0.56 m²) per occupant in an occupancy in Group 1-3.
4. Three square feet (0.28 m²) in all other cases.

1022.5 Egress from area of refuge: The path of egress travel from the horizontal exit through the area of refuge to another exit shall be continuously available. In other than occupancies in Group 1-3, there shall be at least one exit on each side of the horizontal exit, which is not a horizontal

exit. Any area of refuge not having access to an exit, other than a horizontal exit, shall be considered as part of an adjoining area of refuge with such exit. In the area(s) served by the horizontal exit, the length of exit access travel distance to the horizontal exit or another exit shall not exceed the requirements of Section 1016.1."

xxv. At Section 1008.1, entitled "Assembly main exit", add the text "other than nightclubs," after "Group A occupancies" at the beginning of the first sentence.

(1) In the exception, "other than nightclubs" add after "In assembly occupancies" at the beginning of the exception.

xxvi. Add new section 1008.1.1 as follows:

"1008.1.1 Group A-2 Nightclubs. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of 100 or more shall have a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load. The remaining exits shall be capable of providing two-thirds of the total required exit capacity. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of more than 300 shall have a main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity."

xxvii. Section 1025.1.1, Bleachers, shall be deleted in its entirety.

xxviii. Section 1026.1, General, shall be amended as follows: In the second sentence, "Basements and" shall be deleted and "sleeping" shall be capitalized. In the same section, Exception 4 shall be deleted its entirety. In Exception 6, "basements or" shall be deleted. In addition, Exception 7 shall be deleted in its entirety.

11. Chapter 11, Accessibility, shall be deleted in its entirety.

12. Chapter 12, Interior Environment, shall be amended as follows:

i. Section 1204, Temperature Control, shall be deleted in its entirety.

13. Chapter 13, Energy Efficiency, shall be deleted in its entirety.

14. Chapter 14, Exterior Walls, shall be amended as follows:

i. In Section 1403.2, Weather protection, "International Energy Conservation Code" shall be deleted and "the energy subcode, N.J.A.C. 5:23-3.18" shall be inserted.

ii. In Section 1405.10.4, "Grounding, "Chapter 27 of this code and the ICC Electrical Code" shall be

deleted and “the electrical subcode, N.J.A.C. 5:23-3.16” shall be inserted.

15. Chapter 15, Roof Assemblies and Rooftop Structures, shall be amended as follows:

i. In Table 1505.1, Minimum Roof Covering Classification for Types of Construction, Note a shall be deleted in its entirety. In addition, at Note b, “and U occupancies” shall be deleted from the first sentence.

ii. In Section 1507.2.8.2, Ice dam membrane, “In areas where there has been a history of ice forming along the eaves causing a backup of water,” shall be deleted and “In areas where the average daily temperature in January is 25°F (-4°C) or less,” shall be inserted.

16. Chapter 16, Structural Design, shall be amended as follows:

i. Section 1603.3, Live loads posted, shall be deleted in its entirety.

ii. Section 1603.4, Occupancy permits for changed loads, shall be deleted in its entirety.

iii. New Section 1604.11, General structural integrity, from Section 1604.2 of the 1996 BOCA National Building Code, shall be inserted as follows: “The requirements for general structural integrity shall be in accordance with Section 1.4 of ASCE 7 listed in Chapter 35.”

iv. In Table 1607.1, Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads, at Note g, “building official” shall be deleted and “design professional” shall be inserted.

v. Section 1607.9, Reduction in live loads, shall be amended as follows: In the first sentence, “and applied” shall be inserted after “reduced.” After the first sentence, “The method chosen shall be applied throughout the building.” shall be inserted.

vi. In Section 1607.9.1.3, Special occupancies, “or educational occupancies” shall be inserted after “public assembly occupancies.”

vii. In Section 1607.9.2, Alternate floor live load reduction, Item 1, “or Group E” shall be inserted after “Group A.”

viii. In Section 1612.1, General, in the first sentence, “including substantial improvement and restoration of substantial damage to buildings and structures” shall be deleted.

ix. Section 1613.3, Existing building, shall be deleted in its entirety.

17. Chapter 17, Structural Tests and Special Inspections, shall be amended as follows:

i. In Section 1701.1, Scope, “shall apply to Class I buildings and” shall be inserted after “chapter.”

ii. Section 1702.1, General, shall be amended as follows: In the title, “/Special Inspector” shall be inserted after “Agency.” In the first sentence, “or design professional acting as the approved agency” shall be inserted after “agency.” At the end of the definition, add the sentence, “Special inspectors shall be certified in accordance with the administrative provisions of the Uniform Construction Code.”

iii. Section 1703.1, Approved agency, shall be amended as follows: In the first sentence, “Upon the request of the construction official” shall be inserted before “An.” In the same sentence, “building official” shall be deleted and “construction official” shall be inserted and “applicable” shall be deleted and “following” shall be inserted.

iv. Add new section 1703.1.4 as follows: “1703.1.4 Certification. An approved agency shall employ personnel certified in accordance with the administrative provisions of the Uniform Construction Code, to conduct, supervise and evaluate tests or inspections.”

v. In Section 1703.7, Evaluation and follow-up inspection, “in accordance with N.J.A.C. 5:23-4.26” shall be inserted after the second “assembly.”

vi. Section 1704.1, General, shall be amended as follows: In the first sentence, “of Class 1 buildings only” shall be inserted after “construction.” In the second sentence, “the registered design professional” shall be deleted and “person” shall be inserted.

vii. Section 1704.1.2, Report requirement, shall be amended as follows: In the second sentence, “building official” shall be deleted and “construction official” shall be inserted and “registered design professional” shall be deleted and “person” shall be inserted. In the same sentence, “in accordance with N.J.A.C. 5:23-2.21(c)” shall be inserted after “charge.”

viii. In Section 1704.3, Steel construction, “the on-site erection of” shall be inserted after “for.”

ix. In Table 1704.3, Required Verification and Inspection of Steel Construction, Items 1, 3, and 4 shall be deleted.

x. In Section 1704.5, Masonry construction, “in Seismic Design Category D” shall be inserted after the second “construction.” In the same section, in Exception 2, the reference to “Table 1805.5(1)” shall be deleted.

xi. Section 1704.6, Wood construction, shall be deleted in its entirety.

xii. Section 1704.9, Pier foundations, shall be deleted in its entirety.

xiii. Table 1704.9, Required Verification and Inspection of Pier Foundations, shall be deleted in its entirety.

xiv. In Section 1705.3, Seismic resistance, "for Seismic Design Category D buildings" shall be inserted after "inspections."

xv. Sections 1705.4, Wind resistance; 1505.4.1, Wind requirements in the statement of special inspections; and 1705.4.2, Detailed requirements, shall be deleted in their entirety.

xvi. In Section 1706.1, Contractor responsibility, in the first sentence, "wind or" shall be deleted. In addition, in the same sentence, "or a wind-" shall be deleted.

xvii. Sections 1708.1, Masonry, 1708.1.1, Empirically designed masonry and glass unit masonry in Occupancy Category I, II, or III, 1708.1.2, Empirically designed masonry and glass unit masonry in Occupancy Category IV, 1708.1.3, Engineered masonry in Occupancy Category I, II, or III, 1708.1.4, Engineered masonry in Occupancy Category IV, 1708.3, Reinforcing and prestressing steel, and 1708.4, Structural steel, shall be deleted in their entirety.

xviii. Section 1709, Structural Observations, shall be deleted in its entirety.

18. Chapter 18, Soils and Foundations, shall be amended as follows:

i. In the title of Section 1802.2.6, "Seismic Design Category C" shall be deleted and "Seismic Design Category D" shall be inserted. In the first sentence, the reference to "Seismic Design Category C" shall be deleted and "Seismic Design Category D" shall be inserted.

ii. New Section 1802.2.8 from Section 1802.1 of the 1996 BOCA National Building Code shall be inserted as follows: "Building Height: For all buildings that are more than three stories or 40 feet (12,192 mm) in height above the grade plane, the building official shall request soil tests.

iii. Section 1802.4.1, Exploratory boring, shall be amended as follows: After the first sentence, the following sentence from Section 1802.1 of the 1996 BOCA National Building Code shall be inserted: "There shall be at least one exploratory boring to rock or to an adequate depth below the load-bearing strata for every 2,500 square feet (232.5 mm) of built-over area, and such additional tests as the code official requires."

iv. In Section 1802.6, Reports, "soil borings are required" shall be inserted after "Where" in the second sentence.

v. New Section 1807.5 from Section 1813.8 of the 1996 BOCA National Building Code shall be inserted as follows: "1807.5 Erosion protection: Where water im-

pacts the ground from the edge of the roof, downspout, scupper or other rain water collection or diversion device, provisions shall be made to prevent soil erosion and direct the water away from the foundation."

vi. In Section 1808.2.1, Design, in Item 1, "and U" shall be deleted.

vii. Section 1808.2.2, General, Item 2, shall be deleted in its entirety and Section 1816.9 of the 1996 BOCA National Building Code shall be inserted as follows: "1808.2.2.1 Spacing: The minimum center-to-center spacing of piles shall not be less than twice the average diameter of a round pile, nor less than 1 3/4 times the diagonal dimension of a rectangular pile. Where driven to or penetrating into rock, the spacing shall not be less than 24 inches (610 mm). Where receiving principal support at the end from materials other than rock, or through friction resistance, the spacing shall not be less than 30 inches (762 mm) except that for piles having enlarged bases formed either by compacting concrete or driving a pre-cast base, the minimum center-to-center spacing shall be 4 1/2 feet (1,372 mm). The spacing of piles shall be such that the average load on the supporting strata will not exceed the safe load-bearing value of those strata as determined by test borings or other approved methods."

viii. In Section 1808.2.8.3.1, Load test evaluation, Item 4 shall be deleted in its entirety.

ix. In Section 1808.2.23.1, Seismic Design Category C, in the exception, "subject to approval of the building official" shall be deleted.

x. In Section 1808.2.23.2, Seismic Design Category D, E, or F, the reference to "Seismic Design Categories E and F" shall be deleted. In addition, in Exception 1, "or U" shall be deleted.

xi. Section 1809.2.2.1, Materials, shall be deleted in its entirety and Section 1821.2.2 of the 1996 BOCA National Building Code shall be inserted as follows: "All concrete shall have a 28-day specified compressive strength (f') of not less than 4,000 psi (27579 kPa)."

19. Chapter 23, Wood, shall be amended as follows:

i. In Section 2303.4.1.2, Truss design drawings, the last paragraph beginning with "Where required by one of the following" shall be deleted in its entirety.

ii. In Section 2303.4.1.3, Truss placement diagram, the exception shall be deleted in its entirety.

iii. New Section 2303.4.1.8, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit

shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss.”

iv. In Table 2306.3.2, Allowable shear for wood structural panel blocked diaphragms utilizing multiple rows of fasteners with framing of Douglas fir larch or southern pine for wind or seismic loading, Note g shall be deleted.

v. In Section 2308.1, General, the last sentence shall be deleted.

20. Chapters 27, Electrical; 28, Mechanical Systems; and 29, Plumbing, shall be deleted in their entirety.

21. Chapter 30, Elevators and Conveyor Systems, shall be amended as follows:

i. In Section 3001.1, Scope, “and, where applicable, N.J.A.C. 5:23-12 shall” shall be inserted after “chapter.” In addition, “governs” shall be deleted and “govern” shall be inserted.

ii. In Section 3001.2, Referenced standards, “with the exception of Sections 7.4 through 7.7, Sections 7.9 through 7.11, and Section 8.6.1.6.5,” shall be inserted after “ASME A17.1” and “ASME A18.1,” shall be inserted after “ASME A90.1.”

iii. In Section 3001.3, Accessibility, “Chapter 11” shall be deleted and “the barrier free subcode (N.J.A.C. 5:23-7)” shall be inserted.

iv. Section 3002.4, Elevator car to accommodate ambulance stretcher, shall be amended as follows: In the first sentence, after “In buildings four stories in height or more,” insert “, other than multiple dwellings.”

v. New Section 3002.4.1, Elevators in newly constructed multiple dwellings, shall be inserted as follows: “When an elevator is installed in any newly constructed multiple dwelling, the elevator shall meet the dimensional requirements above.”

vi. New Section 3003.3, Standardized fire service keys, shall be inserted as follows: “All new elevators shall be equipped to operate with a standardized fire service key.”

vii. In Section 3004.3, Area of vents, in the last sentence, “annealed glass” shall be deleted and “plain glass” shall be inserted.

viii. In Section 3004.4, Plumbing and mechanical systems, in the exception, “without an oil-water separator” shall be inserted at the end of the sentence. In addition, the following sentence shall be inserted: “The discharge shall not be directly or indirectly connected to the sanitary drainage system.”

22. Chapter 31, Special Construction, shall be amended as follows:

i. New Section 3102.3.2, which shall be the text of Section 3104.6 of the 1996 BOCA National Building Code, shall be inserted as follows: “Certification: An affidavit or affirmation shall be submitted to the code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit or affirmation shall attest to the following information relative to the flame-resistance of the fabric:

1. Names and addresses of the owners of the tent or air-supported structure.

2. Date the fabric was last treated with flame-resistant solution.

3. Trade name or kind of chemical used in treatment.

4. Name of person or firm treating the material.

5. Name of testing agency and test standard by which the fabric was tested.”

ii. Section 3103.1.1 shall be deleted in its entirety and the following shall be inserted:

“Temporary structures, tents, tensioned membrane structures, and canopies meeting the criteria in N.J.A.C. 5:23-2.14 shall not require a permit. Greenhouses meeting the criteria in N.J.A.C. 5:23-3.2(d) shall not require a permit.”

iii. In Section 3104.2, Separate structures, Exception 2 shall be deleted.

iv. In Section 3109.4.1.8, Dwelling wall as barrier, Item 3 shall be deleted in its entirety.

v. In Section 3109.4.1.9, Pool structure as barrier, “either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps” shall be deleted. In addition, the last sentence shall be deleted.

vi. Section 3109.5, Entrapment avoidance, shall be deleted in its entirety.

vii. Add new Section 3110.0, “Swimming pools and spas” as follows:

3110.0 Swimming pools and spas. Swimming pools and spas shall be constructed in accordance with section 3110.1 through 3110.

3110.1 Public swimming pools. Public swimming pools shall be designed and constructed in conformance with ANSI/NSPI-1 as listed in Chapter 35.

3110.2 Public spas. Public spa shall be designed and constructed in conformance with ANSI/NSPI-2 as listed in Chapter 35.

3110.3 Permanently installed residential spas. Permanently installed residential spas shall be designed and

Added new (b)3i and (b)3ii; and recodified former (b)3i through (b)3vii as (b)3iii through (b)3ix.
Amended by R.2008 d.39, effective March 3, 2008.
See: 39 N.J.R. 2175(a), 40 N.J.R. 1084(a).
Added new (b)24iii; and recodified former (b)24iii as (b)24iv.
Administrative correction.
See: 40 N.J.R. 1829(a).
Amended by R.2008 d.184, effective July 7, 2008.

See: 39 N.J.R. 2176(a), 40 N.J.R. 3990(a).
Deleted former (b)9vii; and recodified former (b)9viii through (b)9xlii as (b)9vii through (b)9xli.

Case Notes

Set back provisions of borough zoning ordinance controlled conflicting state building code provisions. *Pfeuffer v. Sculco*, 242 N.J. Super. 181, 576 A.2d 309 (A.D.1990).

5:23-3.15 Plumbing subcode

(a) Rules concerning subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the Model Code of the National Association of Plumbing Heating-Cooling Contractors, known as "The National Standard Plumbing Code/2006," as the plumbing subcode for New Jersey.

i. Copies of this code may be obtained from the sponsor at: NAPHCC, P.O. Box 6808, Falls Church, VA 22046.

2. "The National Standard Plumbing Code/2006," including appendices, may be known and cited as "the plumbing subcode."

(b) The following pages, chapters, sections or appendices of the plumbing subcode shall be amended as follows:

1. The section entitled "Administration," comprising sections ADM 1.1 through ADM 1.13, is deleted in its entirety.

2. Chapter 1 of the plumbing subcode, entitled "Definitions," shall be amended as follows:

i. Delete the term and definition of "Adopting Agency."

ii. Amend the definition of "approved" as follows: delete "Sec. 3.12" and insert "N.J.A.C. 5:23-3.7."

iii. Delete the definition of "Authority Having Jurisdiction" and insert the following: "Unless otherwise defined herein, or unless the context clearly indicates otherwise, the term "authority having jurisdiction" for purposes of the plumbing subcode, shall mean the "plumbing subcode official."

iv. The definition of the term "building" is deleted, and substitute in lieu thereof, the definition of the term "building" found in N.J.A.C. 5:23-1.4.

v. In the definition of "Building Classification" delete "authority having jurisdiction" and insert "building subcode" at N.J.A.C. 5:23-3.14.

vi. The term and definition of "code" are deleted.

vii. The term and definition of "family" are deleted.

viii. The definition of "hot water" shall be deleted and the following definition shall be inserted: "Hot Water: Potable water at a temperature of not less than 120 degrees F and not more than 140 degrees F.

ix. The definition of "tempered water" shall be deleted and the following definition shall be inserted: "Tempered Water: Water at a temperature of not less than 90 degrees F and not more than 105 degrees F.

x. The term and definition of "nuisance" are deleted.

xi. Add the following new definition after the definition of Swimming Pool: Swimming Pool, Public: A swimming pool located on any property other than a one or two family residential property and including, but not limited to, swimming pools open to the use of members, residents or the public.

3. Chapter 2 of the plumbing subcode, entitled "General Regulations," shall be amended as follows:

i. Section 2.5 is deleted in its entirety.

ii. In Section 2.9.3 delete "Building Code or as required by the proper Authority Having Jurisdiction" and insert "building subcode."

iii. In Section 2.11, Piping materials exposed within plenums, "Codes" shall be deleted and "subcodes" shall be inserted.

iv. In Section 2.12, Sleeves, subparagraph e, "regulations" shall be deleted and "subcode" shall be inserted.

v. In Section 2.16, Freezing or overheating, at item 1, "42" shall be inserted in the blank space provided. Additionally, the following sentence shall be inserted: "Combination domestic/fire water service piping shall be installed such that the minimum earth cover is 42 inches or the top of the pipe is 12 inches below the frost depth of the locality, whichever is greater. Limited-area sprinkler systems installed in accordance with Section 903.3.5.1.1 of the building Subcode, shall be installed such that the minimum earth cover is 42 inches." In the same section, at Item 2, "24" shall be inserted in the blank space provided. In addition, in the second line of Item 2, "6" shall be inserted in the blank space provided.

vi. Section 2.19.1 is amended to delete the blank and the words "feet of any property line of the premises, or other."

vii. Section 2.19.2 is amended to delete the words "the Health Department or other agency having jurisdiction" and substitute in lieu thereof "The New Jersey Department of Environmental Protection."

viii. In Section 2.25, at Item 8, insert "and which does not otherwise adversely affect health and safety" at the end of the section.

4. Chapter 3 of the plumbing subcode, entitled "Materials," shall be amended as follows:

i. In Section 3.1.1 delete "Minimum." In the same section at items (1) and (2), delete "Section 3.12.2" and insert "N.J.A.C. 5:23-3.7."

ii. In Section 3.1.2, at Item a, delete "at least." In the same section, delete "Section 3.12" and insert "N.J.A.C. 5:23-3.7."

iii. In Section 3.1.3, Standards applicable to plumbing materials, "Section 3.12.2" shall be deleted and "N.J.A.C. 5:23-3.7" shall be inserted.

iv. Section 3.3.8a is amended to add the following phrase: "Pressure vessels shall be designed and constructed in accordance with the requirements of American Society of Mechanical Engineers, (ASME), Rules for the Construction of Pressure Vessels, Section VIII/2004. Any pressure vessel that exceeds any of the following, shall meet the requirements of ASME and shall be stamped ASME: A heat input rating of 200,000 BTU per hour; or a water temperature of 200 degrees Fahrenheit; or a nominal water capacity of 120 gallons or any other thresholds of ASME that apply."

v. Section 3.3.11 entitled "Septic Tanks" is deleted in its entirety.

vi. Add new section 3.4.2.1 as follows: 3.4.2.1 Combination Domestic/Fire Water Service: Water service piping for combination domestic/fire water services shall be of materials listed in Table 3.4 and shall be water pressure rated not less than 200 psig at 73°F. Joint restraints shall comply with Section 6.3, entitled "Joint Restraint for Fire Mains" per NFPA 13.

Exception: Limited area sprinkler systems installed in accordance with Section 903.3.5.1.1 of the building subcode, shall be water pressure rated not less than 160 psig at 73°F.

vii. In Section 3.11.1 delete "approved by the Authority Having Jurisdiction."

viii. In Section 3.11.2 delete "except as may be otherwise authorized by the Authority Having Jurisdiction."

ix. Section 3.12, Alternate materials and methods, shall be deleted in its entirety.

5. Chapter 4 of the plumbing subcode entitled, "Joints and Connections" is amended as follows:

i. In Section 4.3.8(b)(3) delete "be approved by the Authority Having Jurisdiction if such products are not listed or labeled" and insert "or as permitted under N.J.A.C. 5:23-3.7."

6. Chapter 5 of the plumbing subcode entitled, "Traps, Cleanouts and Backwater Valves," shall be amended as follows:

i. In Section 5.3.2, Trap seals, in Exception (2), "in accordance with N.J.A.C. 5:23-3.3" shall be inserted after "Authority Having Jurisdiction."

ii. In Section 5.3.4, Building traps, "in accordance with N.J.A.C. 5:23-3.3" shall be inserted after "Authority Having Jurisdiction."

7. Chapter 6 of the plumbing subcode, entitled "Liquid Waste Treatment Equipment," shall be amended as follows:

i. At the end of Section 6.1.1, Where required, the following shall be inserted: "The determination of necessity shall be made by the plumbing subcode official in accordance with N.J.A.C. 5:23-3.3."

ii. Section 6.4.4 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the word "approval" on line 2.

8. Chapter 7 of the plumbing subcode, entitled "Plumbing Fixtures, Fixture Fittings and Plumbing Appliances," shall be amended as follows:

i. Section 7.2 is amended to read "Plumbing fixtures for accessible use and their installation shall conform to the requirements of N.J.A.C. 5:23-7 et. seq."

ii. In Section 7.4.4, Bowl height, Exception (2) and Exception (3) shall be deleted and the following text shall be inserted: "Accessible water closets shall conform to the requirements of N.J.A.C. 5:23-7 et seq."

iii. At the end of Section 7.18.2 after "Authority Having Jurisdiction" insert "in accordance with N.J.A.C. 5:23-3.3."

iv. Note 1 to Table 7.21.1 is amended to delete the words "For handicap requirements see local, state, or national codes." in the second sentence.

v. Figure 7.3.2 is amended to delete the word "Code" and substitute in lieu thereof "Subcode" in the block at bottom.

vi. Section 7.23, Safety features for spas and hot tubs, shall be deleted and Section 7.23, Safety features for swimming pools, spas and hot tubs, shall be inserted as follows:

"7.23 Safety Features for Swimming Pools, Spas and Hot Tub.

7.23.1 General. Suction outlets shall be designed to provide circulation throughout the pool, spa or hot tub. Single-outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise, shall be protected against user entrapment.

7.23.2 Suction fittings. All pool and spa suction outlets shall have a cover that conforms to ASME A112.19.8M, a 18-inch by 23-inch (457 mm by 584 mm) drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers.

7.23.3 Atmospheric vacuum relief system required. Pool and spa single- or multiple-outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. This

vacuum relief system shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17; or
2. Approved gravity drainage system.

7.23.4 Dual drain separation. Single- or multiple-pump circulation systems shall have a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate such outlets. The suction outlets shall be piped so that water is drawn through the outlets simultaneously through a vacuum-relief-protected line to the pump or pumps.

7.23.4.1 All swimming pools shall be equipped with main drain suction outlets in the lowest point of the swimming pool floor. The spacing of the main drain suction outlets shall not be greater than 20 feet on center, nor more than 15 feet from each side wall.

Exception: Swimming pools installed in or on the lots of one- or two-family dwellings.

7.23.5 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not more than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s)."

9. Chapter 8 of the plumbing subcode, entitled "Hangers and Supports," shall be amended as follows:

- i. In Section 8.9, Seismic supports for piping, "code" shall be deleted and "subcode" shall be inserted.

10. Chapter 10 of the plumbing subcode, entitled "Water Supply and Distribution," shall be amended as follows:

- i. In Section 10.2 after "Authority Having Jurisdiction" insert "in accordance with N.J.A.C. 5:23-3.3".
- ii. In Section 10.4.2 delete "with the approval of the Authority Having Jurisdiction" and insert "in accordance with the rules of the New Jersey Department of Environmental Protection at N.J.A.C. 7:10-10";
- iii. Section 10.4.3 is amended to read: "Potable water supplies shall be protected in accordance with the provisions of this code and where applicable the Safe Drinking Water Regulations (N.J.A.C. 7:10). The requirements of this code shall establish requirements for individual outlet protection. The requirements of the Safe Drinking Water Act shall establish the requirements for containment.";

- iv. In Section 10.4.4, Private supplies, at Note b, "in accordance with N.J.A.C. 7:10-10.2(e)" shall be inserted after "Authority Having Jurisdiction."

v. Section 10.5.6d. is amended to delete the words "and repair" on the first line, and to delete the third sentence.

vi. Section 10.5.9a. Exception (3) shall be deleted and the following inserted: "(3) Where fire protection systems supplied from a potable water system include a fire department (Siamese) connection which is located less than 1,700 feet from a non-potable water source, the water supply shall be protected by one of the following:

- (i) Reduced pressure backflow preventer assembly; or
- (ii) Reduced pressure detector assembly."

vii. In Section 10.8.1 insert "as required by the Authority Having Jurisdiction" after "in accordance with good practice."

viii. Section 10.15.1, Hot water supply system, shall be amended to add the phrase "Outlet temperature of hot water from lavatory faucets in public facility restrooms (such as those in service stations, airports, train and bus terminals, and conventions halls) shall be provided with a means to limit the maximum temperature to 110 degrees F. as required in ASHRAE 90.1-2004."

11. Chapter 11 of the plumbing subcode, entitled "Sanitary Drainage Systems," is amended as follows:

- i. Section 11.4.3 is amended at the end to add the sentence "Diversity factors shall be established in accordance with N.J.A.C. 5:23-3.3."

12. Chapter 12 of the plumbing subcode, entitled "Vents and Venting," shall be amended as follows:

- i. Section 12.5 is deleted in its entirety.
- ii. Section 12.8.2 is deleted in its entirety.

13. Chapter 13 of the plumbing subcode, entitled "Storm Water Drainage," shall be amended as follows:

- i. In Section 13.1.5, Foundation drains, Notes a. through c. shall be amended to read "subsoil drains shall be provided in accordance with the building subcode."
- ii. Section 13.1.10.1, Primary roof drainage, shall be amended to delete the last sentence and to substitute in lieu thereof "Rainfall rates shall be applied so that the applicable rainfall rate for Burlington and Ocean counties and all counties south shall be six inches per hour and for Mercer and Monmouth counties and all counties north, the applicable rainfall rate shall be five inches per hour."
- iii. Section 13.1.10.2, "Secondary Roof Drainage," is deleted.
- iv. Section 13.1.10.4, "Equivalent Systems," is deleted.

v. In Section 13.9.1 after "Authority Having Jurisdiction" insert "in accordance with N.J.A.C. 5:23-3.3."

14. Chapter 15 of the plumbing subcode, entitled "Tests and Maintenance" is amended as follows:

i. Add new Section 15.6.1 as follows: 15.6.1 Combination Domestic/Fire Water Service Systems: Piping for combination domestic/fire water services systems shall be pressure tested to not less than 200 psig and shall maintain that pressure without loss for 2 hours.

ii. Add new Section 15.6.1.1 as follows: 15.6.1.1 Leakage: The following provisions shall apply to buried pipe in all combination domestic/fire water service systems, except for limited sprinkler systems:

(1) The amount of leakage at the joints shall be no greater than 2 qt/hr (1.89 L/hr) per 100 joints or gaskets, regardless of pipe diameter.

(2) The amount of leakage in accordance with (1) above shall be permitted to be increased in increments of 1 fluid ounce (30 ml) per inch valve diameter per hour for each metal seated valve that isolates the test section.

(3) The amount of leakage in buried piping shall be measured at the test pressure specified by pumping from a calibrated container.

iii. Add new Section 15.9 as follows: 15.9 Flushing of Piping: Lead-in connections to system risers and fire service mains from the water supply to the system riser (excluding limited systems) shall be flushed completely before connection is made to sprinkler piping. The flushing operation shall be continued for a sufficient amount of time to ensure that the system is thoroughly cleaned. The minimum rate of flow shall be not less than one of the following:

(1) The hydraulically calculated water demand rate of the system, including any hose requirements.

(2) The flow that is necessary to provide a velocity of 10 ft/sec (3.1 m/sec).

(3) The maximum flow rate available to the system under fire conditions.

15. Chapter 16 of the plumbing subcode, entitled "Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewer Systems Are Not Available," shall be amended as follows:

i. Except as otherwise indicated in (b)15ii below, Sections 16.1 through 16.12.1.13 shall be deleted in their entirety.

ii. Section 16.1.7, Abandoned disposal systems, shall be retained and amended to read as follows: "When an existing sewage disposal system is being abandoned

and a connection is being made to the public sewer system or new sewage disposal system, the plumbing subcode official shall ensure that the existing abandoned tank is disconnected from the building, pumped out and filled with gravel, stones or soil material."

Note: Existing standards of the Department of Environmental Protection and boards of health with respect to individual on-site sewage disposal systems remain in effect.

16. Chapter 17 of the plumbing subcode entitled, "Portable Water Supply Systems," shall be deleted in its entirety.

Note: Existing standards of the Department of Environmental Protection and boards of health with respect to individual on-site water supply systems remain in effect.

17. Chapter 18 of the plumbing subcode, entitled "Mobile Home and Travel Trailer Park Plumbing Standards," shall be amended as follows:

i. In Section 18.2.1, General, the last sentence beginning with "Trailer home park" shall be deleted.

ii. Section 18.2.2 is amended to delete the words "or sewerage disposal" on line 1.

iii. Section 18.5.8 is amended to add the phrase "and as provided by the authority having jurisdiction" after the words "chapter 10 of this code."

iv. Section 18.8.1.2 is deleted.

v. Section 18.8.3 is amended to add the phrase "for dependent trailers" after the word "park" on line 1.

vi. Section 18.8.4 is amended to add the phrase "for dependent trailers" after the word "park" on line 1.

vii. Section 18.9 is deleted.

viii. Section 18.10 is deleted.

18. Appendix A, entitled "Sizing Storm Drainage Systems," shall be deleted in its entirety.

19. Appendix F, entitled "Requirements of the Authority Having Jurisdiction," shall be amended as follows.

i. In Section F.2, References, the following shall be deleted: "1.7.2 Penalties; 1.9.8 Permit Expiration; 1.10.2 Plan Review Fees; 1.10.3 Plan Review Expiration; 1.10.5 Refunding of Fees; and 1.11.5 Requests for Inspection."

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.1983 d.12, eff. February 7, 1983, operative February 22, 1983.

See: 14 N.J.R. 1326(a), 15 N.J.R. 141(c).

Added (a) 3 and (c).

Amended by R.1984 d.314, eff. August 6, 1984.

See: 16 N.J.R. 1139(a), 16 N.J.R. 2084(b).

Section substantially amended.

Amended by R.1986 d.12, effective February 3, 1986.

See: 17 N.J.R. 2714(a), 18 N.J.R. 267(a).

(a)1i had a change of address; (a)3 and (c) added.
Amended by R.1987 d.81, effective February 2, 1987.
See: 18 N.J.R. 2237(b), 19 N.J.R. 289(d).
Amended by R.1987 d.374, effective September 21, 1987.
See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
Model subcode revisions.
Amended by R.1989 d.66, effective February 6, 1989.
See: 20 N.J.R. 2846(a), 21 N.J.R. 288(a).
Added (c).
Amended by R.1990 d.58, effective February 5, 1990.
See: 21 N.J.R. 3346(a), 22 N.J.R. 351(a).
Added (d) adopting the 1989 Supplement to the 1987 National Standard Plumbing Code.
Amended by R.1990 d.253, effective May 21, 1990.
See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).
Text added at (a)3; (d)3ii amended.
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.326, effective July 1, 1991.
See: 23 N.J.R. 804(a), 23 N.J.R. 2044(a).
GPF set at 1.6; gravity water closets not permitted in commercial uses.
Amended by R.1991 d.571, effective November 18, 1991.
See: 23 N.J.R. 2619(a), 23 N.J.R. 3444(b).
Added new (c).
Amended by R.1992 d.67, effective February 3, 1992.
See: 23 N.J.R. 3602(a), 24 N.J.R. 404(b).
Low volume water closet exception added at (b)18i(1).
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.122, effective March 6, 1995 (operative July 1, 1995).
See: 26 N.J.R. 4874(a), 27 N.J.R. 894(a).
Amended by R.1998 d.136, effective March 16, 1998.
See: 30 N.J.R. 4(a), 30 N.J.R. 1038(a).
In (b)9, added xii.
Amended by R.1998 d.332, effective July 6, 1998.
See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).
Rewrote the section.
Amended by R.2001 d.340, effective September 17, 2001.
See: 33 N.J.R. 1245(a), 33 N.J.R. 3308(b).
Rewrote the section.
Amended by R.2002 d.393, effective December 16, 2002.
See: 34 N.J.R. 2914(a), 34 N.J.R. 4428(a).
In (b)8, deleted former (ii) and recodified existing (iii) to (ix) as (ii) to (viii).
Amended by R.2005 d.35, effective January 18, 2005.
See: 36 N.J.R. 3329(b), 37 N.J.R. 267(a).
Rewrote the section.
Administrative correction.
See: 37 N.J.R. 885(a).
Amended by R.2005 d.341, effective October 17, 2005.
See: 37 N.J.R. 164(a), 37 N.J.R. 3974(b).
In (b)3iv, added "and add the following sentence at the end: 'Minimum earth cover for building sewers connected to a private sewage disposal system shall be 6 inches.'" at the end of the paragraph.
Amended by R.2007 d.65, effective February 20, 2007.
See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).
Rewrote the section.
Amended by R.2008 d.274, effective September 15, 2008.
See: 40 N.J.R. 2629(a), 40 N.J.R. 5195(b).
In paragraph 7.23 of (b)8vi, substituted "Spas and Hot Tubs" for "spas and hot tubs"; in subparagraph 2 of paragraph 7.23.3 of (b)8vi, inserted a period at the end; in paragraph 7.23.4.1 of (b)8vi, added the second paragraph; and in paragraph 7.23.5 of (b)8vi, inserted the closing quotation mark at the end.
Amended by R.2008 d.346, effective November 17, 2008.
See: 40 N.J.R. 3778(a), 40 N.J.R. 6540(a).
In (b)4iv, inserted "the" preceding "Construction" and substituted "2004" for "1998"; added (b)10vi; recodified former (b)10vi and (b)10vii as (b)10vii and (b)10viii; and in (b)10viii, substituted "2004" for "1999".

Case Notes

Statute providing that only licensed master plumbers could be plumbing contractors was unconstitutional. *Mechanical Contractors Ass'n of New Jersey, Inc. v. State*, 255 N.J. Super. 488, 605 A.2d 743 (A.D.1992).

5:23-3.16 Electrical subcode

(a) Rules concerning the subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the National Fire Protection Association, known as "The National Electrical Code 2005" as the electrical subcode for New Jersey.

i. Copies of this code may be obtained from the sponsors at NFPA, One Batterymarch Park, Quincy, Massachusetts 02269.

2. The National Electrical Code 2005 may be known and cited as "the electrical subcode."

i. Codes and standards referenced in the Fine Print Notes (FPNs) of the electrical subcode (NEC 2005) shall be considered adopted by reference to the extent prescribed by each related section. These codes and standards also are printed in DCA Bulletin #06-2, which contains a list of adopted codes and standards that are applicable to the enforcement of the electrical subcode.

3. The Commissioner hereby adopts the National Electrical Safety Code (ANSI C2-2002) for the installation of area lighting facilities by an electric utility on private property on metal poles with an underground electric feed.

i. Copies of the National Electrical Safety Code may be obtained from the Institute of Electrical and Electronic Engineers, Inc., PO Box 1331, 445 Hoes Lane, Piscataway, New Jersey 08855-1331.

(b) The following chapters or articles of the electrical subcode are amended as follows:

1. Article 90 of the electrical subcode, entitled "Introduction," is amended as follows:

i. Section 90.4, entitled "Enforcement," is amended to delete in the first paragraph the phrase, "authority having jurisdiction for enforcement of the code" and substitute in lieu thereof, the term "electrical subcode official." And add a new last sentence in the first paragraph: "Approval shall be in accordance with N.J.A.C. 5:23-2.9." Delete in the second paragraph the phrase "authority having jurisdiction" and substitute in lieu thereof the term "electrical subcode official" and add after "effective safety" the phrase "as provided in N.J.A.C. 5:23-2.9." Delete in the third paragraph the phrase "authority having jurisdiction" and substitute in lieu thereof the term "electrical subcode official" and delete the phrase "by the jurisdiction" after the word "adopted."

ii. Section 90.5, entitled “Mandatory Rules, Permissive Rules, and Explanatory Material,” is amended to add “except as outlined under N.J.A.C. 5:23-3.16(a)2i” after the word “Code” in line 6 under paragraph (C).

2. Chapter 1 of the electrical subcode, Article 100, entitled “Definitions,” is amended as follows:

i. The definition of the term “approved” is amended to delete the phrase “the authority having jurisdiction” and substitute in lieu thereof, the phrase “electrical subcode official. Approval shall be in accordance with N.J.A.C. 5:23-3.7, 3.8 and 3.8A.”

ii. The definition of “Authority having jurisdiction” is replaced with “Unless otherwise specifically noted, the authority having jurisdiction for the Electrical Subcode shall be the Electrical Subcode Official.”

iii. The definition of the term “building” is deleted and in lieu thereof, substitute the definition of the term “building” found in N.J.A.C. 5:23-1.4”.

3. Chapter 2 of the electrical subcode, entitled “Wiring and Protection,” is amended as follows:

i. Section 210.12(B) of Article 210, entitled “Branch Circuits,” is amended to insert the following sentence at the end of the section, “This requirement shall be considered optional.”

4. Chapter 3 of the electrical subcode, entitled “Wiring Methods and Materials,” is amended as follows:

i. Section 300.4(A)(1) is amended to delete the words from “so that the edge...” on line four through “... cannot be maintained” on line six and in lieu thereof substitute “as required by the building subcode. Where the distance from the edge of the hole to the nearest edge of the wood member is less than 32 mm (1¼ inches).”

ii. Section 334.10(1) is amended to add “and accessory buildings or structures” after the word dwellings.

iii. Section 334.12(A)(2) is deleted in its entirety.

5. Chapter 5 of the electrical subcode, entitled “Special Occupancies,” is amended as follows:

i. Sections 514.11(B) and 514.11(C) are amended to delete the phrase “authority having jurisdiction” and substitute in lieu thereof the phrase “fire protection subcode official.”

ii. Part II of Article 550, entitled “Mobile Homes, Manufactured Homes, and Mobile Home Parks” comprising sections 550.11 through 550.25 is deleted. Section 550.10 shall be retained.

(1) Exception—Part II is retained in its entirety in the case of mobile/manufactured homes undergoing repair, renovation, or alteration.

(A) Section 550.25 is amended to add the following sentence at the end of the section: “This requirement shall be considered optional.”

iii. In Article 551, entitled “Recreation Vehicles and Recreation Vehicle Parks,” delete from the title the words “Recreational Vehicles and.”

(1) Section 551.1 is amended to delete the phrase “within or on recreational vehicles” on line 4.

(2) Parts II, III, IV, and V, comprising sections 551.20 through 551.60, are deleted in their entirety, with the exception of Figure 551.46(C), which shall be retained.

iv. Article 552 shall be applicable to structures covered by the recreational park trailers subcode, N.J.A.C. 5:23-4D, provided that:

(1) The structure is restricted to seasonal use as per Section 552.4. For purposes of applying this requirement, the park in which the structure is located shall be open for six months or less each year or access to the structures shall be otherwise restricted to a period of six months or less each year; and

(2) No additions, alterations, or extensions of any kind shall be made to the electrical system or structure unless the entire electrical system shall be made to conform to the electrical requirements of this code applicable to single family dwellings.

6. Annex G of the electrical subcode, entitled “Administration and Enforcement,” is deleted in its entirety.

7. Chapter 6 of the electrical subcode, entitled “Special Equipment,” is amended as follows:

i. Section 680.26(C), entitled “Equipotential Bonding Grid,” is amended to add the phrase “conform to the contours of the pool and shall” before the word “extend” and to add the words “within or” after the word “extend” in the first paragraph. Insert the following paragraph immediately following the first paragraph: “Exception: The equipotential bonding grid shall not be required to be installed under the bottom of or vertically along the walls of vinyl lined polymer wall, fiberglass composite, or other pools constructed of nonconductive materials. Any metal parts of the pool, including metal structural supports, shall be bonded in accordance with 680.26(B). For the purposes of this section, poured concrete, pneumatically applied (sprayed) concrete, and concrete block, with painted or plastered coatings, shall be considered conductive material.”

ii. Section 680.26(C)(1), is amended to add the phrase “or deck” after the word “pool”. Add a new last sentence as follows: “Where deck reinforcing steel is not an integral part of the pool, the deck reinforcing steel shall be bonded to other parts of the bonding grid using a

i. International Building Code/2006 of the International Code Council, Inc. (N.J.A.C. 5:23-3.14):

- (1) Chapter 3—Use and Occupancy Classification;
- (2) Chapter 4—Special Detailed Requirements Based on Use and Occupancy;
- (3) Chapter 7—Fire Resistance-Rated Construction;
- (4) Chapter 8—Interior Finishes;
- (5) Chapter 9—Fire Protection Systems and N.J.A.C. 5:23-3.5(d) entitled “Posted Hydraulic System Data Plate”;
- (6) Chapter 10—Means of Egress;
- (7) Sections 2111 through 2113 of Chapter 21—Masonry;
- (8) Sections 2603 through 2607 of Chapter 26—Plastic;
- (9) Section 3104 of Chapter 31—Special Construction;
- (10) Section 3309, 3311 and 3312 of Chapter 33—Safeguards During Construction;

ii. National Electrical Code/2005 of the National Fire Protection Association (N.J.A.C. 5:23-3.16).

- (1) Section 300.21 of Chapter 3—Wiring Methods and Materials;
- (2) Article 450, Part III—Transformer Vaults of Chapter 4—Equipment for General Use;
- (3) Chapter 5—Special Occupancies;
- (4) Article 695—Fire Pumps of Chapter 6—Special Equipment;
- (5) Article 760—Fire Alarm Systems of Chapter 7—Special Conditions;

iii. International Mechanical Code/2006 of the International Code Council (N.J.A.C. 5:23-3.20):

- (1) Chapter 3—General Regulations;
- (2) Chapter 5—Exhaust Systems;
- (3) Chapter 6—Duct Systems;
- (4) Chapter 7—Combustion Air;
- (5) Chapter 8—Chimneys and Vents;
- (6) Chapter 9—Specific Appliances, Fireplaces and Solid Fuel Burning Equipment;
- (7) Chapter 13—Fuel Oil Piping and Storage;

iv. International Fuel Gas Code/2006 of the International Code Council (N.J.A.C. 5:23-3.22):

- (1) Chapter 3—General Regulations;
- (2) Chapter 5—Chimneys and Vans;
- (3) Chapter 6—Specific Appliances.

2. The model code portions listed above may be known as “the fire protection subcode.”

(b) Rules concerning modifications to subcodes are as follows:

1. The modifications made to the appropriate portion of the adopted model code in N.J.A.C. 5:23-3.14 (Building Subcode), N.J.A.C. 5:23-3.16 (Electrical Subcode), N.J.A.C. 5:23-3.20 (Mechanical Subcode) and N.J.A.C. 5:23-3.22 (Fuel Gas Subcode) will apply also to those portions as regards this adoption.

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.1984 d.314, effective August 6, 1984.
See: 16 N.J.R. 1139(a), 16 N.J.R. 2084(b).

Section substantially amended.

Amended by R.1986 d.380, effective September 22, 1986.
See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a).

Substantially amended.

Amended by R.1987 d.374, effective September 21, 1987.
See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).

Model subcode revisions.

Amended by R.1990 d.253, effective May 21, 1990.
See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).

Reference to 1989 Supplement added; (a)1i(7) amended.
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.1993 d.662, effective December 20, 1993.
See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).

Amended by R.1998 d.332, effective July 6, 1998.
See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).

Rewrote (a).

Amended by R.2000 d.166, effective April 17, 2000.
See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

In (a)1i(5), added a second sentence.

Amended by R.2000 d.492, effective December 18, 2000.
See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (a)1ii, changed “1996” to “1999”.

Amended by R.2001 d.196, effective June 18, 2001.
See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).

In (a)1, inserted reference to the fuel gas subcode in the introductory paragraph, rewrote iii and inserted iv; in (b)1, inserted reference to the Fuel Gas Subcode.

Amended by R.2003 d.351, effective September 2, 2003.
See: 35 N.J.R. 1177(a), 35 N.J.R. 4051(a).

In (a), substituted “are” for “area” in the introductory paragraph and rewrote (i) and (ii) in 1.

Administrative Correction to (a)1iii and (a)1iv: Changed “Code/2000” to “Code/2003”.

See: 37 N.J.R. 2860(a).

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

In (a)1i, substituted “2006” for “2000”; deleted (a)1i(5)(A) and (B); in (a)1ii, substituted “2005” for “2002”; and in (a)1iii and (a)1iv, substituted “2006” for “2003”.

Case Notes

Zoning ordinance’s definition of family violated Constitution. *Cherry Hill Tp. v. Oxford House, Inc.*, 263 N.J.Super. 25, 621 A.2d 952 (A.D.1993).

5:23-3.18 Energy Subcode

(a) Rules concerning the subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the model code of the International Code Council, known as the International Energy Conservation Code (IECC/2006), as the energy subcode for New Jersey.

i. Copies of the IECC/2006 may be obtained from International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

ii. The model code listed above may be known and cited as the "energy subcode."

(b) The following chapters and sections of the energy subcode are amended as follows:

1. Chapter 1, Administration, shall be amended as follows:

- i. Section 101.1, Title, shall be deleted.
- ii. Section 101.4.1, Existing buildings; Section 101.4.2, Historic buildings; Section 101.4.3, Additions, alterations, renovations or repairs; and Section 101.4.4, Change in Occupancy, shall be deleted.

iii. New Section 101.5.3, Residential high-efficiency mechanical tradeoff, shall be inserted as follows: "Residential buildings provided with high efficiency equipment (90 percent AFUE for furnace 85 percent AFUE for boilers and 8.0 HSPF for air source heat pumps)

throughout shall be exempt from the requirement to insulate basement walls. Code requirements for other envelope components must meet the component performance approach requirements of Chapter 4."

iv. Section 102.3, Maintenance information, shall be deleted.

v. Sections 104, Construction Documents, 105, Inspections, and 106, Validity, shall be deleted.

2. Chapter 2, Definitions, shall be amended as follows:

i. The definitions "Addition", "Building", "Code Official", and "Dwelling Unit" shall be deleted.

ii. The definition of "Residential Building" shall be deleted and the following definition shall be inserted: "Detached one- and two-family dwellings and all other residential buildings three stories or less in height, except buildings of Group R-1."

3. Chapter 3, Climate Zones, shall be amended as follows:

i. All Sections, Figures and Tables shall be deleted and the following shall be inserted in their place:

"301.1 General. Climate Zones, in heating degree days (HDD), and exterior design conditions from Table 301.1 shall be used in determining the applicable requirements of Chapter 4. Interior design condition temperatures used for heating and cooling load calculations in all climate zones shall be a maximum of 72°F for heating and minimum of 75°F for cooling."

Table 301.1 - Climate Zones and Design Conditions

Climate Zone (HDD)	County	Exterior Design Conditions		
		Heating	Cooling	
		DDB ¹	DDB ¹	DWB ²
4500 - 4999	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Salem	11	90	73
5000 - 5499	Essex, Hudson, Mercer, Middlesex, Monmouth, Ocean, Union	10	90	73
5500 - 5999	Bergen, Hunterdon, Morris, Passaic, Somerset	10	89	73
6000 - 6499	Sussex, Warren	6	89	72

1. DDB = Design Dry Bulb, degrees Fahrenheit (annual)

2. DWB = Design Wet Bulb, degrees Fahrenheit (annual)

4. Chapter 4, Residential Energy Efficiency, shall be amended as follows:

- i. Section 401.3, Certificate, shall be deleted.
- ii. In Section 402.1.1, Insulation and fenestration criteria, "Table 402.1.1" shall be deleted and "Table 402.1.3" shall be inserted.
- iii. Table 402.1.1 shall be deleted and any references made to it shall become references to Table 402.1.3.

iv. Section 402.1.2, R-value computation, shall be deleted.

v. Section 402.1.3, U-factor alternative, shall be deleted.

vi. Table 402.1.3 shall be deleted and the following table shall be inserted:

Table 402.1.3 – Assembly Thermal Transmittance Value (U-factor)

Detached One- and Two-Family Dwellings

Climate Zone (HDD)	Wall U-factor ¹	Ceiling U-factor ¹	Slab U-factor ²		Floor U-factor	Crawl Space Wall U-factor	Basement Wall U-factor ^{1,3}
			Unheated	Heated			
4500-4999	0.142	0.031	0.235	0.158	0.049	0.066	0.097
5000-5499	0.134	0.029	0.218	0.149	0.049	0.059	0.096
5500-5999	0.127	0.027	0.203	0.141	0.049	0.059	0.095
6000-6499	0.119	0.025	0.190	0.134	0.049	0.059	0.094

All other residential buildings three stories or less in height, except buildings of Group R-1

Climate Zone (HDD)	Wall U-factor ¹	Ceiling U-factor ¹	Slab U-factor ²		Floor U-factor	Crawl Space Wall U-factor	Basement Wall U-factor ^{1,3}
			Unheated	Heated			
4500-4999	0.211	0.031	0.235	0.158	0.049	0.066	0.097
5000-5499	0.211	0.029	0.218	0.149	0.049	0.059	0.096
5500-5999	0.211	0.027	0.203	0.141	0.049	0.059	0.095
6000-6499	0.203	0.025	0.190	0.134	0.049	0.059	0.094

Notes:

1. Assembly includes fenestration.
2. Slab insulation depth is 2 feet, except that for 6000-6499 HDD, insulation depth is 4 feet.
3. The need for basement wall insulation shall be waived when the requirements of Section 101.5.3 are met.

vii. In Section 402.1.4, Total UA alternative, “alternative” shall be deleted from the title. In addition, in the first sentence, “with Table 402.1.1” shall be deleted.

viii. In Section 402.2.3, Mass walls, the exception shall be deleted.

ix. In Section 402.2.7, Slab-on-grade floors, the reference to “Table 402.1.1” in the first and third sentence shall be deleted and “Table 402.1.3” shall be inserted.

x. In Section 402.2.10, Thermally isolated sunroom insulation, “zones 1 through 4” shall be deleted and “HDD 4500-5499” shall be inserted. In addition, “zones 5 through 8” shall be deleted and “HDD 5500-6499” shall be inserted.

xi. In Section 402.3.5, Thermally isolated sunroom U-factor, “For Zone 4 through 8, the” shall be deleted and “The” shall be inserted.

xii. Section 402.3.6, Replacement fenestration, shall be deleted.

xiii. In Section 402.4.3, Recessed lighting, in Item #3 “and labeled for” shall be inserted after “inside.”

xiv. In Section 402.5, Moisture control (Mandatory), Exception 2, “Zones 1 through 4” shall be deleted and “HDD 4500-5499” shall be inserted.

xv. Section 402.6, Maximum fenestration U-factor and SHGC (Mandatory), shall be deleted.

xvi. In Section 404.5.2, Residence specifications, the reference to “Table 402.1.1” shall be deleted and “Table 402.1.3” shall be inserted in its place.

xvii. In Table 404.5.2(1), Specifications for the Standard Reference and Proposed Designs,” under the heading “Glazing,” reference to “Table 402.1.1” shall be deleted in “U-factor” and “SHGC” and “Table 402.1.3” shall be inserted in both places.

5. Chapter 5, Commercial Energy Efficiency, shall be amended as follows:

i. All Sections and Tables shall be deleted and the following shall be inserted:

“501.1 Scope. Commercial buildings shall meet the requirements of ASHRAE/IESNA Standard 90.1-2004 (ASHRAE/2004), Energy Standard for Buildings Except for Low-Rise Residential Buildings.

501.2 Amendments. The following amendments shall apply to ASHRAE/2004:

1. Section 9.4.1.4 (c), shall have the following sentence added: “Guest suites shall have the option of a master control device meeting these requirements at the entry to each room.”

2. Chapter 8, Power, shall be considered optional.

3. Table B-1, US Climate Zones, shall be amended so that New Jersey is Zone 4A, except that Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren Counties shall be Zone 5A.”

Amended by R.1987 d.387, effective October 5, 1987. See: 19 N.J.R. 433(b), 19 N.J.R. 1793(a).

Substantially amended. Amended by R.1988 d.50, effective February 1, 1988. See: 19 N.J.R. 1862(b), 20 N.J.R. 268(a).

Added (b)6; renumbered (b)6.-7. as (b)7.-8. Amended by R.1988 d.417, effective September 6, 1988.

See: 20 N.J.R. 699(b), 20 N.J.R. 2274(a).

Substantially amended.

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.326, effective July 1, 1991.

See: 23 N.J.R. 804(a), 23 N.J.R. 2044(a).

Section E-502.1 deleted.

Amended by R.1991 d.429, effective August 19, 1991.

See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).

In (b)5, deleted old and added new i.

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.1998 d.332, effective July 6, 1998.

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

Rewrote the section.

Amended by R.2001 d.244, effective July 16, 2001 (operative January 16, 2002).

See: 33 N.J.R. 1241(a), 33 N.J.R. 2471(a).

Rewrote the section.

Administrative change.

See: 33 N.J.R. 3310(a).

Administrative correction.

See: 35 N.J.R. 2494(b).

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

In (a)1, substituted "International Code Council, known as the International Energy Conservation Code (IECC/2006)" for "Council of American Building Officials, Inc., known as the Model Energy Code/1995"; in (a)1i, substituted "IECC/2006" for "CABO Model Energy Code/1995" and "International Code Council" for "BOCA International"; and rewrote (b).

Case Notes

Registered architect retained to sign and seal drawings to comply with permit regulations entitled to approve as prepared or return for compliance modifications (citing Small Dwelling Energy Subcode). Deck House, Inc. v. New Jersey State Board of Architects, 531 F.Supp. 633 (D.N.J.1982).

Departments of Community Affairs and Energy could not amend state energy subcode. New Jersey Builders Ass'n v. Coleman, 227 N.J.Super. 23, 545 A.2d 783 (A.D.1988).

5:23-3.19 Manufactured home subcode

(a) Pursuant to authority of P.L. 1975, c.217, as amended, the Commissioner hereby adopts the Federal Manufactured Home Construction and Safety Standards, as set forth in Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, as the manufactured home subcode for New Jersey.

1. Copies of the volume of the Code of Federal Regulations containing Part 3280 of Title 24 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20420.

2. Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, may be known and cited as the manufactured home subcode.

(b) The following sections of Subpart A of Part 3280 are deemed to be administrative in nature and are therefore excluded from the manufactured home subcode:

1. Section 3280.1, entitled "Scope";
2. Section 3280.5, entitled "Data plate";
3. Section 3280.6, entitled "Serial number";
4. Section 3280.7, entitled "Modular homes"; and
5. Section 3280.8, entitled "Certification label".

(c) Any manufactured home construction or safety issue not covered under the manufactured home subcode which is, however, covered under another subcode adopted pursuant to this subchapter shall be determined in accordance with such other subcode.

(d) The adoption of a manufactured home subcode shall not be construed as in any way limiting the power or duty of the Department of Community Affairs to enforce and comply with all applicable provisions of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and the regulations promulgated pursuant thereto, including all subsequent revisions and amendments thereto, when authorized to do so by the Secretary of the United States Department of Housing and Urban Development.

Amended by R.1982 d.7, eff. February 1, 1982.

See: 13 N.J.R. 171(a), 14 N.J.R. 142(a).

This section was recodified from 5:23-3.9.

5:23-3.20 Mechanical subcode

(a) Rules concerning the subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c. 217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Mechanical Code/2006. This code is hereby adopted by reference as the Mechanical Subcode for the State of New Jersey subject to the modifications in (b) below.

i. Copies of this code may be obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

ii. The International Mechanical Code/2006 may be known and cited as the "mechanical subcode."

2. Any references to the International Plumbing Code, ICC Electrical Code, the International Energy Conservation Code or the International Existing Building Code listed in Chapter 15 shall be considered a reference to the appropriate adopted plumbing, electrical, or energy subcode in N.J.A.C. 5:23-3 or rehabilitation subcode in N.J.A.C. 5:23-6.

3. Anywhere the term "code" appears, shall be a reference to "subcode" as defined in N.J.A.C. 5:23-1.4 for any of the adopted national model codes as appropriate.

iv. Section R301.2.2, Seismic provisions, shall be deleted in its entirety and the following shall be inserted: "Detached one- and two-family dwellings and attached single-family townhouses are exempt from the seismic requirements of this code." In addition, the exception shall be deleted in its entirety.

v. Section R303.6, Stairway illumination, and Section R303.6.1, Light activation, shall be deleted in their entirety.

vi. Section R303.8, Required heating, shall be deleted in its entirety.

vii. In Section R307.1, Space required, "Figure R307.1" shall be deleted and "Figure 7.3.2 of the plumbing subcode, entitled "Minimum Fixture Clearances" shall be inserted. In addition, Figure R307.1 shall be deleted in its entirety.

viii. Section R309.2, Separation required, shall be deleted and the following shall be inserted: "Private garages located beneath rooms shall have walls, partitions, floors and ceilings separating the garage from the adjacent interior spaces constructed with not less than a one-hour fire resistance rating (see N.J.U.C.C. FTO-13). Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of ½-inch gypsum board or equivalent applied to the garage side."

ix. In Section R310.1, Emergency escape and rescue required, "Basements and" shall be deleted. The sentence shall start with "Every." In addition, in the third sentence, "but shall not be required in adjoining areas of the basement" shall be deleted. Finally, the exception shall be deleted in its entirety.

x. In Section R311.4.3, Landings at doors, in Exception 2 and Exception 3, "7 ¾ inches (196 mm)" shall be deleted and "8 ¼ inches (210 mm)" shall be inserted.

xi. In Section R311.5.3.1, Riser height, in the first sentence, "7 ¾ inches (196 mm)" shall be deleted and "8 ¼ inches (210 mm)" shall be inserted.

xii. In Section 311.5.3.2, Tread depth, in the first sentence, "10 inches (254 mm)" shall be deleted and "9 inches (229 mm)" shall be inserted. In addition, in the fourth sentence, "10 inches (254 mm)" shall be deleted and "9 inches (229 mm)" shall be inserted.

xiii. In Section R311.5.6.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.

xiv. In Section 311.5.6.3, Handrail grip size, Item 1 shall be deleted in its entirety and Section R315.2 of the 2000 edition of the International Residential Code shall be inserted as follows:

"Type 1. The handgrip portion of Type 1 handrails shall have a circular cross section of 1¼ inches (32

mm) minimum to 2 5/8 inches (67 mm) maximum. Other handrail shapes that provide an equivalent grasping surface are permissible. Edges shall have a minimum radius of 1/8 inch (3.2 mm)."

xv. Section R311.5.7, Illumination, shall be deleted in its entirety.

xvi. Section R313.2.1, Alterations, repairs and additions, shall be deleted in its entirety.

xvii. In Section R313.3, Power source, "Smoke alarms shall be permitted to be battery operated when installed in buildings without commercial power or in buildings that undergo alterations, repairs, or additions regulated by Section R313.1.1" shall be deleted.

xviii. In Section R311.6.3.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.

xix. In Section R317.1, Dwelling unit separation, in Exception 1, "13R, or 13D" shall be inserted after "NFPA 13."

xx. In Section R317.2, Townhouses, in the second sentence of the exception, "Chapters 33 through 42" shall be deleted and " the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

xxi. In Section R318.1, Moisture control, in Exception 3, "in climate zones 1 through 4 in Table N1101.2" shall be deleted and "HDD 4500-4999 and HDD 5000-5499 in accordance with the energy subcode (N.J.A.C. 5:23-3.18) shall be inserted.

xxii. Section R321.1, Site address, shall be deleted in its entirety.

xxiii. Section R322, Accessibility, shall be deleted in its entirety.

xxiv. Section R323, Elevators and platform lifts, shall be deleted in its entirety.

xxv. In Section R324.1, General, "as established by Table R301.2(1)" shall be deleted. Additionally, in the exception "as established by Table R301.2(1)" shall be deleted.

xxvi. In Section R324.1.5, Protection of mechanical and electrical systems, the second sentence shall be deleted in its entirety.

xxvii. In Section R324.1.6, Protection of water supply and sanitary sewage systems, in the first and second sentences, "and replacement" shall be deleted.

xxiii. In Section R324.1.8, Manufactured housing, in the first sentence, "or replacement" and "and the anchor and tie-down requirements of Section AE604 and AE605 of Appendix E shall apply" shall be deleted.

xxix. Section R324.3.6, Construction Documents, shall be deleted in its entirety.

xxx. New Section R325 entitled, "Carbon Monoxide Alarms," shall be inserted as follows:

"R325 Carbon monoxide alarms. Single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any dwelling unit if the dwelling unit contains a fuel-burning appliance or has an attached garage. An "open parking structure," as defined in the building subcode, shall not be deemed to be an attached garage.

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."

4. Chapter 4, Foundations, shall be amended as follows:

i. In Table R401.4.1, Presumptive Load Bearing Values of Foundation Materials, "12,000; 4,000; 3,000; 2,000; and 1,500" shall be deleted and "12,000; 6,000; 5,000; 3,000; and 2,000" shall be inserted.

ii. In Section 403.1.4.1, Frost protection, the exception shall be deleted and the following shall be inserted in its place:

Exception: Free standing buildings meeting all of the following conditions shall not be required to be protected:

1. Buildings and other structures that represent a low hazard to human life in the event of failure, including but not limited to, agricultural buildings, temporary buildings and minor storage facilities.

2. Area of 600 square feet (56 m²) or less for light framed construction, or 400 square feet (37 m²) or less for other than light-framed construction; and

3. Eave height of 10 feet (3048 mm) or less.

iii. In Section R404.1, Concrete and masonry foundation walls, the second sentence shall be deleted. Also, the second paragraph shall be deleted in its entirety. Tables R404.1(1), Top Reactions and Prescriptive Support for Foundation Walls, R404.1(2), Maximum Plate Anchor-Bolt Spacing for Supporting Foundation Walls, and R404.1(3), Maximum Aspect Ratio, L/W for Unbalanced Foundations, shall be deleted in their entirety.

iv. In Section R404.4, Insulating concrete form foundation walls, the second sentence shall be deleted.

v. Sections R405, Foundation Drainage with the exception of Table R405.1, and R406, Foundation Waterproofing and Dampproofing, shall be deleted and the text of Section 1807, Dampproofing and Waterproofing from the International Building Code (IBC)/2006 shall be inserted as follows:

"R406.1 Where required. Walls or portions thereof that retain earth and enclose interior spaces and floors below grade shall be waterproofed and dampproofed in accordance with this section, with the exception of those spaces containing groups other than residential and institutional where such omission is not detrimental to the building or occupancy.

R406.1.1 Story above grade. Where a basement is considered a story above grade and the finished ground level adjacent to the basement wall is below the basement floor elevation for 25 percent or more of the perimeter, the floor and walls shall be dampproofed in accordance with Section R406.2 and a foundation drain shall be installed in accordance with Section R406.4.1. The foundation drain shall be installed around the portion of the perimeter where the basement floor is below ground level. The provisions of Sections R406.3 and R406.4.1 shall not apply in this case.

R406.1.2 Underfloor space. The finished ground level of an underfloor space such as a crawl space shall not be located below the bottom of the footings. Where there is evidence that the ground water table rises to within six inches (152 mm) of the ground level at the outside building perimeter or where there is evidence that the surface water does not readily drain from the building site, the ground level of the underfloor space shall be as high as the outside finished ground level, unless an approved drainage system is provided. The provisions of Sections R406.2, R406.3 and R406.4 shall not apply in this case.

R406.1.2.1 Floor hazard areas. For buildings and structures in flood hazard areas as established in Section R327, the finished ground level of an underfloor space such as a crawl space shall be equal to or higher than the outside finished ground level.

Exception: Under-floor spaces that meet the requirements of FEMA/FIA-TB-11.

R406.1.3 Groundwater control. Where the groundwater table is lowered and maintained at an elevation not less than 6 inches (152 mm) below the bottom of the lowest floor, the floor and walls shall be dampproofed in accordance with Section R406.2. The design of the system to lower the groundwater table shall be based on accepted principles of engineering that shall consider, but not necessarily be limited to, permeability of the soil, rate at which water enters the drainage system, rated capacity of pumps, head against which pumps are to pump; and the rated capacity of the disposal area of the system.

R406.2 Dampproofing required. Where hydrostatic pressure will not occur, floors and walls for other than wood foundation systems shall be dampproofed in accordance with this section. Wood foundation systems shall be constructed in accordance with AFPA TR7.

R406.2.1 Floors. Dampproofing materials for floors shall be installed between the floor and the base course

required by Section R406.4.1, except where a separate floor is provided above a concrete slab.

Where installed beneath the slab, dampproofing shall consist of not less than six-mil (0.006 inch; 0.152 mm) polyethylene with joints lapped not less than six inches (152 mm), or other approved methods or materials. Where permitted to be installed on top of the slab, dampproofing shall consist of mopped-on bitumen, not less than four-mil (0.004 inch; 0.102 mm) polyethylene, or other approved methods or materials. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

R406.2.2 Walls. Dampproofing materials for walls shall be installed on the exterior surface of the wall, and shall extend from the top of the footing to above ground level.

Dampproofing shall consist of a bituminous material, three pounds per square yard (16N/m²) of acrylic modified cement, 1/8-inch (3.2 mm) coat of surface-bonding mortar complying with ASTM C 887, any of the materials permitted for waterproofing by Section R406.3.2, or other approved methods or materials.

R406.2.2.1 Surface preparation of walls. Prior to application of dampproofing materials on concrete walls, holes and recesses resulting from the removal of form ties shall be sealed with a bituminous material or other approved methods or materials. Unit masonry walls shall be parged on the exterior surface below ground level with not less than 3/8 inch (9.5 mm) of Portland cement mortar. The parging shall be covered at the footing.

Exception: Parging of unit masonry walls is not required where a material is approved for direct application to the masonry.

R406.3 Waterproofing required. Where the groundwater investigation indicates that a hydrostatic pressure condition exists, and the design does not include a groundwater control system as described in Section R406.1.3, walls and floors shall be waterproofed in accordance with this section.

R406.3.1 Floors. Floors required to be waterproofed shall be of concrete, designed and constructed to withstand the hydrostatic pressures to which the floors will be subjected.

Waterproofing shall be accomplished by placing a membrane of rubberized asphalt, butyl rubber, or not less than six-mil polyvinyl chloride with joints lapped not less than six inches (152 mm) or other approved materials under the slab. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

R406.3.2 Walls. Walls required to be waterproofed shall be of concrete or masonry and shall be designed and constructed to withstand the hydrostatic pressures and other lateral loads to which the walls will be subjected.

Waterproofing shall be applied from the bottom of the wall to not less than 12 inches (305 mm) above the maximum elevation of the ground water table. The remainder of the wall shall be dampproofed in accordance with Section R406.2.2. Waterproofing shall consist of two-ply hot-mopped felts, not less than six-mil (0.006 inch; 0.152 mm) polyvinyl chloride, 40-mil (0.040 inch; 1.02 mm) polymer-modified asphalt, six-mil (0.006 inch; 0.152 mm) polyethylene or other approved methods or materials capable of bridging nonstructural cracks. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

R406.3.2.1 Surface preparation of walls. Prior to the application of waterproofing materials on concrete or masonry walls, the walls shall be prepared in accordance with Section R406.2.2.1.

R406.3.3 Joints and penetrations. Joints in walls and floors, joints between the wall and floor, and penetrations of the wall and floor shall be made watertight utilizing approved methods and materials.

R406.4 Subsoil drainage system. Where a hydrostatic pressure condition does not exist, dampproofing shall be provided and a base shall be installed under the floor and a drain installed around the foundation perimeter. A subsoil drainage system designed and constructed in accordance with Section R406.1.3 shall be deemed adequate for lowering the groundwater table.

R406.4.1 Floor base course. Floors of basements, except as provided for in Section R406.1.1, shall be placed over a floor base course not less than four inches (102 mm) in thickness that consists of gravel or crushed stone containing not more than 10 percent of material that passes through a No. 4 (4.75 mm) sieve.

Exception: Where a site is located in well-drained gravel or sand/gravel mixture soils, a dedicated drainage system is not required.

R406.4.2 Foundation drain. A drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 (4.75 mm) sieve. The drain shall extend a minimum of 12 inches (305 mm) beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than six inches (152 mm) above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or the top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than two inches (51 mm) of gravel or crushed stone complying with Section R406.4 and shall be covered

with not less than six inches (152 mm) of the same material.

R406.4.3 Drainage discharge. The floor base and foundation perimeter drain shall discharge by gravity or mechanical means into an approved drainage system that complies with the plumbing subcode.

Exception: Where a site is located in well-drained gravel or sand/gravel mixture soils, a dedicated drainage system is not required."

vi. At Section R407.3, Structural requirements, in the exception, delete the phrase "In Seismic Design Categories A, B, and C" at the beginning of the sentence.

vii. In Section R408.3, Unvented crawl space, in Condition 2.1 and Condition 2.2, "Section N1102.2.8" shall be deleted and "the energy subcode (N.J.A.C. 5:23-3.18)" shall be inserted.

5. Chapter 5, Floors, shall be amended as follows:

i. In Section R502.11.4, entitled "Truss Design Drawings," the second sentence shall be amended to insert "and truss layout drawings" after "Truss design drawings."

ii. New Section R502.11.5, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss."

6. Chapter 6, Wall Construction, shall be amended as follows:

i. In Figure R602.6.1, Notching and Bored Hole Limitations for Exterior Walls and Bearing Walls, "eight-16 penny nails" shall be deleted and "three-8d nails" shall be inserted.

ii. In Section R602.6.1, Drilling and notching of top plate, "eight-16d nails" shall be deleted and "three-8d" nails shall be inserted.

iii. Section R606.1.1, Professional registration not required, shall be deleted in its entirety.

iv. In Section R611.1, General, the second sentence shall be deleted.

7. Chapter 8, Roof-Ceiling Construction, shall be amended as follows:

i. In Section R802.10.1, entitled "Truss Design Drawings," the third sentence shall be amended to insert

"and truss layout drawings" after "Truss design drawings."

ii. New Section 802.10.6, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss."

iii. In Section R806.4, Condition attic assemblies, in Condition 2, the exception shall be deleted. In addition, Condition 3 shall be deleted. Finally, in Condition 4, "In Zones 3 through 8 as defined in Section N1101.2" shall be deleted and Condition 4 shall be renumbered as Condition 3.

iv. In Section R808.1, Combustible insulation, in the second paragraph, "Section N1102.4.3" shall be deleted and "the energy subcode, N.J.A.C. 5:23-3.18" shall be inserted.

8. Chapter 9, Roof Assemblies, shall be amended as follows:

i. In Section 903.4.1, Overflow drains and scuppers, in the last sentence, "International Plumbing Code" shall be deleted and "plumbing subcode" shall be inserted in its place.

ii. In Sections 905.2.7.1, 905.4.3.1, 905.5.3.1, 905.6.3.1, 905.7.3.1 and 905.8.3.1 in the first sentence, delete "In areas where there has been a history of ice forming along the eaves causing a back-up of water as designated in table R301.2(1)", and "In areas where the average daily temperature in January is 25°F (-4°C) or less," shall be inserted.

9. Chapter 10, Chimneys and Fireplaces, shall be amended as follows:

i. In Section R1001.11, Fireplace clearance, Exception 3, "12 inches" shall be deleted and "six inches" shall be inserted.

ii. In Section R1003.18, Chimney clearances, Exception 3, "12 inches" shall be deleted and "six inches" shall be inserted.

iii. In Figure R1003.11 and Figure R1003.18, Clearance from Combustibles, "12 IN." shall be deleted and "6 IN." shall be inserted.

10. Chapter 11, Energy Efficiency, shall be deleted in its entirety.

11. Chapter 12, Mechanical Administration, shall be amended as follows:

i. Section M1202, Existing mechanical systems, shall be deleted in its entirety.

12. Chapter 13, General Mechanical System Requirements, shall be amended as follows:

i. In Section M1305.1.3.1, Electrical requirements, "Chapter 38" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

ii. In Section M1305.1.4.3, Electrical requirements, "Chapter 38" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

iii. Section M1307.4, Hydrogen generating and refueling operations, shall be deleted in its entirety and the following shall be inserted:

M1307.4 Hydrogen generating and refueling operations. The installation of hydrogen fuel cell systems shall be installed in accordance with the applicable requirements of the International Fire Code, the International Building Code, the International Mechanical Code and the International Fuel Gas Code.

iv. In Section 1307.5, Electrical appliances, "Chapters 33 through 42" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted at the end of the sentence.

v. Add new Section M1307.6 as follows:

M1307.6 Safety devices and controls. Oil burners, other than oil stoves with integral tanks, shall be provided with means for manually stopping the flow of oil to the burner. Such device or devices shall be placed in a readily accessible location a minimum of 10 feet from the burner. For electrically driven equipment, an identified switch in the burner supply circuit shall be provided at the entrance to the room or area where the appliance is located or, for equipment located in basements, the switch is required to be located at the top of stairs leading to the basement. An identifiable valve in the oil supply line, operable from a location a minimum of 10 feet from the burner, shall be used for other than electrically driven or controlled equipment.

13. Chapter 14, Heating and Cooling Equipment, shall be amended as follows:

i. Chapter M1401.3, Sizing, "When provided," shall be inserted at the beginning of the sentence.

ii. In Section M1405.1, General, "Chapters 33 through 42" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

iii. In Section M1406.1, General, "Chapters 33 through 42" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

iv. In Section M1406.2, Clearances, "Chapters 33 through 42" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

v. In Section M1407.1, General, "Chapters 33 through 42" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

vi. In Section M1411.3, Condensate disposal, in the first sentence, "in accordance with the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted after "disposal."

vii. Section M1411.3.2, Drain pipe materials and sizes, shall be deleted in its entirety.

viii. In Section M1413.2, Protection of potable water, "Section P2902" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

14. Chapter 18, Chimney and Vents, shall be amended as follows:

i. In Section M1801.3.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)" shall be inserted.

15. Chapter 20, Boilers/Water Heaters, shall be amended as follows:

i. In Section M2004.1, General, "Chapter 28" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

ii. In Section M2005.3, Electric water heaters, "Chapters 33 through 42" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

16. Chapter 21, Hydronic Piping, shall be amended as follows:

i. In Section M2101.2, System drain down, "Chapters 25 through 32" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

ii. In Section M2101.3, Protection of potable water, "Section P2902" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

17. Chapter 22, Special Piping and Storage Systems shall be amended as follows:

i. In Section M2201.2, Above-ground tanks, in the first sentence, "above ground or" shall be deleted. Additionally, in the first sentence, "residential" shall be inserted before "building."

18. Chapter 23, Solar Systems, shall be amended as follows:

i. In Section M2301.5, Backflow protection, "Section P2902" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

19. Chapter 24, Fuel Gas, shall be amended as follows:

i. In Section G2402.3, Terms defined in other codes, "ICC Electrical Code, International Building

Code, International Fire Code, and International Plumbing Code” shall be deleted and “electrical, building, fire protection, and plumbing subcodes” shall be inserted.

ii. Section G2403, entitled “General Definitions” shall be amended as follows:

(1) The definition of “approved” shall be deleted.

(2) The definition of “code” shall be deleted.

(3) The definition of “code official” shall be deleted and the following shall be inserted: “For the purpose of this subcode, the term ‘code official’ shall mean the appropriate subcode official as required by N.J.A.C. 5:23-3.4.”

iii. In Section G2404.3, Listed and labeled, in the first sentence, “Section R104.11” shall be deleted and “N.J.A.C. 5:23-3.7” shall be inserted. In addition, the last sentence shall be deleted.

iv. Section G2404.5, Repair, shall be deleted in its entirety.

v. In Section G2408.1, General, the second paragraph shall be deleted in its entirety.

vi. In Section G2410.2, Connections, “Chapters 33 through 42” shall be deleted and “the Electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

vii. Section G2412.2, Liquefied petroleum gas storage, shall be amended as follows: Notwithstanding the provisions contained in NFPA 58, the installation of LP-Gas containers on roofs of buildings shall be strictly prohibited.

viii. Section G2412.3, Modifications to existing system, shall be deleted in its entirety.

ix. Section G2414.3, Other materials, shall be deleted in its entirety.

x. In Section G2425.15.2, Flue passageways, in the first sentence, “free of obstructions and combustible deposits” shall be deleted and “inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)” shall be inserted.

xi. In Section G2427.5.5, Inspection of chimneys, “examined to ascertain that it is clear and free of obstructions” shall be deleted and “inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)” shall be inserted.

xii. In Section G2448.1.1, Installation requirements, “this code” shall be deleted and “the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted.

xiii. In Section G2448.2, Water heaters utilized for space heating, “this code” shall be deleted and “the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted.

20. Chapters 25 through 32 shall be deleted in their entirety. Plumbing requirements under the scope of this subcode shall be regulated by the plumbing subcode.

21. Chapters 33 through 42 shall be deleted in their entirety. Electrical requirements under the scope of this subcode shall be regulated by the electrical subcode.

22. Chapter 43, Referenced standards, shall be amended as follows:

i. Under the subheading, NFPA, “NFPA 13D-02, Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes; and NFPA 13R-02, Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height” shall be inserted.

23. The Appendices shall be amended as follows:

i. Appendix A, Sizing and Capacities of Gas Piping; Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents; and Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems are informative and are not part of the one- and two-family dwelling subcode.

ii. Appendix D, Recommended Procedure for Safety Inspection of an Existing Appliance Installation; Appendix E, Manufactured Housing Used as Dwellings; and Appendix F, Radon Control Methods, are deleted in their entirety.

iii. In Appendix G, Section AG105.1, Application, “subject to this code” shall be inserted at the end of the first sentence.

iv. Appendix G, Swimming pools, Spas and hot tubs, shall be adopted as part of this subcode and Section AG105.2, Outdoor swimming pool, Provision 9 shall be deleted in its entirety. In the same section, under Provision 10, Item 10.1 shall be deleted. In addition, Item 10.2 shall be renumbered as 10.1 and the last sentence shall be deleted. In addition, Section AG106, Entrapment protection for swimming pool and spa suction outlets, shall be deleted.

v. Appendix H, Patio Covers, and Appendix K, Sound Transmission, shall be adopted as part of this subcode.

vi. Appendix I, Private Sewage Disposal; Appendix J, Existing Buildings and Structures; Appendix L, Permit Fees; Appendix M, Home Day Care – R-3 Occupancy; Appendix N, Venting Methods; Appendix O, Gray Water Recycling Systems; Appendix P, Sprinkling; and Appendix Q, ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference shall be deleted in their entirety.

New Rule, R.1985 d.324, effective July 1, 1985.

See: 17 N.J.R. 861(c), 17 N.J.R. 1646(a).

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

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

Model subcode revisions.

Amended by R.1988 d.388, effective August 1, 1988.

See: 20 N.J.R. 1130(a), 20 N.J.R. 2073(b).

Added (c).

Amended by R.1990 d.253, effective May 21, 1990.

See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).

References to 1989 Supplement added; (b)1ii(5), 2, 4, 8 and 9 amended; (b)5, 6 and 7 added; (c) deleted; Table R-201.2 added.

Amended by R.1991 d.571, effective November 18, 1991.

See: 23 N.J.R. 2619(a), 23 N.J.R. 3444(b).

Added new (c).

Amended by R.1992 d.208, effective May 18, 1992.

See: 24 N.J.R. 680(a), 24 N.J.R. 1879(a).

Code provisions applicable to flood hazard zones clarified.

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.1998 d.332, effective July 6, 1998.

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

Rewrote the section.

Amended by R.2000 d.166, effective April 17, 2000.

See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

In (c)4, substituted "more pressure than would be exerted by backfill" for "lateral pressure from soils" following "subject to" in ii, and substituted "drainage" for "designated disposal" preceding "system" and added "according to the Unified Soil Classification System, Group I Soils" at the end of iii; and inserted (c)9iv.

Amended by R.2001 d.369, effective October 15, 2001.

See: 33 N.J.R. 2365(a), 33 N.J.R. 3674(a).

In (b), inserted "that are" following "type 5B construction", "no more" preceding "than 4,800 square feet", and substituted "seven feet" for "7 1/3 feet (2,235 mm.)".

Amended by R.2003 d.187, effective May 5, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).

Rewrote the section.

Amended by R.2003 d.420, effective November 3, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 5073(a).

Rewrote (c).

Amended by R.2005 d.403, effective November 21, 2005.

See: 37 N.J.R. 2753(a), 37 N.J.R. 4399(b).

Rewrote (c).

Amended by R.2006 d.28, effective January 17, 2006.

See: 37 N.J.R. 2750(a), 38 N.J.R. 485(b).

Rewrote (c)15.

Administrative correction.

See: 38 N.J.R. 926(a).

Amended by R.2006 d.75, effective February 21, 2006.

See: 37 N.J.R. 3110(a), 38 N.J.R. 1183(a).

Added (c)10; recodified former (c)10-15 as (c)11-16.

Administrative correction.

See: 38 N.J.R. 1827(b).

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

Rewrote (a) and (c).

Amended by R.2007, d.384, effective December 17, 2007.

See: 39 N.J.R. 2684(a), 39 N.J.R. 5211(a).

Added new (c)17; and recodified existing (c)17 through (c)22 as (c)18 through (c)23.

Amended by R.2008 d.84, effective April 7, 2008.

See: 39 N.J.R. 5144(a), 40 N.J.R. 1827(a).

Deleted former (c)3xviii; recodified former (c)3xix through (c)3xxxi as (c)3xviii through (c)3xxx; in the introductory paragraph of (c)4, inserted a comma following "Foundations"; and in (c)4iii, added the second sentence.

Administrative correction.

See: 40 N.J.R. 1829(a).

1. Pursuant to authority of P.L. 1975, c. 217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Fuel Gas Code/2006. This code is hereby adopted by reference as the fuel gas subcode for the State of New Jersey subject to the modifications in (b) below.

i. Copies of this code may be obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

ii. The International Fuel Gas Code/2006 may be known and cited as the "fuel gas subcode."

2. Any references to the International Plumbing Code, ICC Electrical Code, International Energy Conservation Code or the International Existing Building Code listed in Chapter 8 shall be considered a reference to the appropriate adopted plumbing, electrical, or energy subcode in N.J.A.C. 5:23-3 or rehabilitation subcode in N.J.A.C. 5:23-6.

3. Anywhere the term "code" appears, shall be a reference to "subcode" as defined in N.J.A.C. 5:23-1.4 for any of the adopted national model codes as appropriate.

(b) The following chapters, sections or pages of the International Fuel Gas Code/2006 shall be amended as follows:

1. Chapter 1 of the fuel gas subcode, entitled "Administration" is deleted in its entirety.

2. Chapter 2 of the fuel gas subcode, entitled "Definitions," is amended as follows:

i. In Section 201.3 delete "ICC Electrical Code, and International Plumbing Code," and insert "electrical subcode and plumbing subcode."

ii. The definition of the term "alteration" is deleted and the definition found in N.J.A.C. 5:23-1.4 is substituted;

iii. The definition of the term "approved" is deleted;

iv. The definition of the term "code" is deleted;

v. The definition of the term "code official" is deleted, and the following language is substituted: "For the purpose of the fuel gas subcode, the term "code official" shall mean the appropriate subcode official as designated in N.J.A.C. 5:23-3.4."

vi. The definition of the term "unlisted boiler" is deleted.

3. Chapter 3 of the fuel gas subcode, entitled "General Regulations," shall be amended as follows:

i. Section 301.1 is amended to delete the words "in accordance with Section 101.2."

5:23-3.22 Fuel gas subcode

(a) Rules concerning the subcode adopted are as follows:

ii. In Section 301.3, Listed and labeled, "in accordance with Section 105," shall be deleted. In addition, the second sentence shall be deleted in its entirety.

iii. Section 301.9 is deleted.

iv. Section 305.1. Delete the second paragraph in its entirety.

v. Section 307.2, Fuel-burning appliances, shall be amended to insert "drywell, sump pump, floor drain, or drainage system below floor" after "fixture."

vi. Section 307.3, Drain pipe materials and sizes, shall be deleted.

4. Chapter 4 of the fuel gas subcode, entitled "Gas Piping Installation," shall be amended as follows:

i. Section 401.2, Liquefied petroleum gas storage, shall be amended to add the following: Notwithstanding the provisions contained in NFPA 58, the installation of LP-Gas containers on roofs of buildings shall be strictly prohibited.

ii. Add new Section 401.9 as follows:

401.9 Protection from vehicle impact. Gas meters, related regulators and piping that are installed indoors or outdoors and are subject to vehicle impact shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated.

(1) Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required.

iii. Section 403.3 is deleted.

5. Chapter 5 of the fuel gas code, entitled "Chimneys and vents," shall be amended as follows:

i. In Section 501.15.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)" shall be inserted.

ii. In Section 503.5.6, Inspection of chimneys, "examined to ascertain that it is clear and free of obstructions" shall be deleted and "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)" shall be inserted.

iii. In Section 503.5.6.1, Chimney lining, the exception shall be deleted in its entirety.

6. Chapter 6 of the fuel gas code, entitled "Specific Appliances," shall be amended as follows:

i. Section 627.10, Switches in electrical supply line, shall be deleted.

7. Chapter 8 of the fuel gas code, entitled "Referenced Standards," shall be amended as follows:

i. Under the heading "ICC," amend the following titles:

(1) Delete "ICC EC—06, ICC Electrical Code."

(2) Delete "IEBC—06, International Existing Building Code."

(3) Delete "IPC—06, International Plumbing Code."

8. Appendices A, B, and C of the fuel gas subcode are informative and are not part of the subcode itself.

9. Appendix D of the fuel gas subcode, entitled "Recommended Procedure for Safety Inspection of an Existing Appliance Installation," is deleted in its entirety.

New Rule, R.2001 d.196, effective June 18, 2001.

See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).

Administrative correction.

See: 33 N.J.R. 3310(a).

Amended by R.2004 d.468, effective December 20, 2004.

See: 36 N.J.R. 1858(b), 36 N.J.R. 5711(a).

In (b), added a new 4i and recodified existing i through ii as ii through iii.

Amended by R.2005 d.35, effective January 18, 2005.

See: 36 N.J.R. 3329(b), 37 N.J.R. 267(a).

Rewrote the section.

Administrative correction.

See: 37 N.J.R. 885(a).

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

Rewrote the section.

Administrative correction.

See: 40 N.J.R. 1829(a).

APPENDIX 3-A

APPENDIX

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

CODE CHANGE PROPOSAL

REHABILITATION SUBCODE (N.J.A.C. 5:23-6)

Proposals must be presented with language proposed for deletion in brackets [].

Proposals must be presented with language proposed for addition underlined:

Mail code change proposals to:	Fax code change proposals to:
Code Development Unit	Code Development Unit
Department of Community Affairs	(609) 984-7717 or
Division of Codes and Standards	(609) 633-6729
PO Box 802	
Trenton, New Jersey 08625	

Direct questions to the Code Development or Code Assistance Units at (609) 984-7609.

Section (citation) proposed for change: _____
Sections (companion changes) that might also need to be changed:

NAME: _____

ORGANIZATION (if any): _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____ E-mail: _____

Proposed Code Change:

Supporting Statement (reason for code change):

New Rule, R.2004 d.261, effective July 6, 2004.
See: 36 N.J.R. 1267(a), 36 N.J.R. 3275(a).

SUBCHAPTER 3A. STATE-JURISDICTION SUBCODES

5:23-3A.1 Scope

This subchapter shall govern the enforcement by the Department of Community Affairs of the State Uniform Construction Code, in conjunction with other rules administered by the Department, in facilities and installations for which the Department is the sole enforcing agency, as set forth in N.J.A.C. 5:23-3.11(j).

5:23-3A.2 Subcodes established

(a) All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of carnival-amusement rides or ski lifts shall be designated collectively as the amusement ride subcode.

(b) All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of high pressure boilers, pressure vessels or refrigeration systems shall be designated collectively as the boiler, pressure vessel and refrigeration subcode.

2. The plan review fee for renovations, alterations, repairs, site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction and external utility connections for premanufactured construction shall be based upon the estimated cost of work.

i. For health care facilities in Use Groups B or I, the fee shall be \$14.00 per \$1,000 or part thereof for estimated cost not exceeding \$50,000, \$11.00 per \$1,000 or part thereof for estimated cost in excess of the first \$50,000 and not exceeding \$100,000, and \$9.00 per \$1,000 or part thereof for estimated cost in excess of the first \$100,000; and

ii. For all other buildings or structures, the fee shall be \$10.00 per \$1,000 or part thereof for estimated cost not exceeding \$50,000, \$8.00 per \$1,000 or part thereof for estimated cost in excess of the first \$50,000 and not exceeding \$100,000, and \$7.00 per \$1,000 or part thereof for estimated cost in excess of the first \$100,000.

3. The elevator device plan review fee shall be as set forth in (c)6 and 7 below.

4. There shall be an additional fee of \$45.00 per hour for review of any amendment or change to a plan that has already been released.

5. In any case where the Department conducts plan review for a local enforcing agency, the fee charged by the local enforcing agency for inspection services shall be 80 percent of the fee that would otherwise be determined under the local fee schedule.

(c) Departmental (enforcing agency) fees shall be as follows:

1. The fee for plan review shall be 20 percent of the amount to be charged for a construction permit.

i. The elevator device plan review fee shall be as in (c)6 and 7 below.

ii. The fee for plan review for Statewide prototype plans released by the Department or for other prototype plans where the prototype did not include the foundation detail shall be five percent of the amount to be charged for a construction permit.

2. The basic construction permit fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and rating of electrical devices, the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates and/or the applicable flat fees as provided herein plus any special fees.

i. Building volume or cost: The fees for new construction or alteration are as follows:

(1) Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$0.027 per cubic foot of volume for buildings and structures of all use groups and types of construction as classified and defined in articles 3 and 4 of the building sub-code; except that the fee shall be \$0.015 per cubic foot of volume for use groups A-1, A-2, A-3, A-4, A-5, F-1, F-2, S-1 and S-2, and the fee shall be \$0.0008 per cubic foot for structures on farms, including commercial farm building under N.J.A.C. 5:23-3.2(d), with the maximum fee for such structures on farms not to exceed \$1,145.

(2) Fees for renovations, alterations and repairs or site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connection for premanufactured construction shall be based upon the estimated cost of work. The fee shall be in the amount of \$24.00 per \$1,000. From \$50,001 to and including \$100,000, the additional fee shall be in the amount of \$18.00 per \$1,000 of estimated cost above \$50,000. Above \$100,000, the additional fee shall be in the amount of \$15.00 per \$1,000 of estimated cost above \$100,000. For the purpose of determining estimated cost, the applicant shall submit to the Department such cost data as may be available produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The Department shall make the final decision regarding estimated cost.

(3) Fees for additions shall be computed on the same basis as for new construction for the added portion.

(4) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with items (2) and (3) above.

(5) The fee for tents, in excess of 900 square feet or more than 30 feet in any dimension, shall be \$92.00.

(6) The fee for roofing and siding work completed on structures of Group R-3 or R-5 shall be \$46.00.

(7) The fee for an above-ground swimming pool shall be \$100.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$50.00. The fee for an in-ground swimming pool shall be \$150.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$75.00.

(8) Fees for retaining walls shall be as follows:

(A) The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$150.00;

(B) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$75.00;

(C) The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction.

ii. Plumbing fixtures and equipment: The fees shall be as follows:

(1) The fee shall be in the amount of \$10.00 per fixture, piece of equipment or appliance connected to the plumbing system, and for each appliance connected to the gas piping or oil piping system, except as indicated in (c)2ii(2) below.

(2) The fee shall be \$65.00 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), active solar systems, sewer pumps and interceptors. There shall be no inspection fee charged for gas service entrances.

iii. Electrical fixtures and devices: The fee shall be as follows:

(1) For the first block consisting of one to 50 receptacles, fixtures or devices, the fee shall be \$36.00; for each additional block consisting of up to 25 receptacles, fixtures or devices, the fee shall be \$6.00. For the purpose of computing this fee, receptacles, fixtures or devices shall include lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm devices, smoke and heat detectors, communications outlets, light-standards eight feet or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated 20 amperes or less including motors or equipment rated less than one horsepower (hp) or one kilowatt (kw).

(2) For each motor or electrical device rated from one hp or one kw to 10 hp or 10 kw; for each transformer or generator rated from one kw or one kva to 10 kw or 10 kva; for each replacement of wiring involving one branch circuit or part thereof; for each storable pool or hydro massage bath tub; for each under-water lighting fixture; for household electric cooking equipment rated up to 16 kw; for each fire, security or burglar alarm control unit; for each recep-

tacle rated from 30 amperes to 50 amperes; for each light-standard greater than eight feet in height including luminaries; and for each communications closet, the fee shall be \$10.00.

(3) For each motor or electrical device rated from greater than 10 hp or 10 kw to 50 hp or 50 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center, or disconnecting means rated 225 amperes or less; for each transformer or generator rated from greater than 10 kw or 10 kva to 45 kw or 45 kva; for each electric sign rated from greater than 20 amperes to 225 amperes including associated disconnecting means; for each receptacle rated greater than 50 amperes; and for each utility load management device, the fee shall be \$46.00.

(4) For each motor or electrical device rated from greater than 50 hp or 50 kw to 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center or disconnecting means rated from greater than 225 amperes to 1,000 amperes; and for each transformer or generator rated from greater than 45 kw or 45 kva to 112.5 kw or 112.5 kva, the fee shall be \$92.00.

(5) For each motor or electrical device rated greater than 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center or disconnecting means rated greater than 1,000 amperes; and for each transformer or generator rated greater than 112.5 kw or 112.5 kva, the fee shall be \$457.00.

(6) The fee charged for electrical work for each permanently installed private swimming pool as defined in the building subcode, spa, hot tub or fountain shall be a flat fee of \$55.00 which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panelboards and underwater lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with (c)2iii(1) through (5) above.

(7) The fee charged for the installation of single and multiple station smoke or heat detectors and fire, burglar or security alarm systems in any one or two-family dwelling shall be a flat fee of \$23.00 per dwelling unit. For fire, burglar and security alarm systems and detectors in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (c)2iii(1) and (2) above.

(8) For installations consisting of multimeter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual

Substantial changes in section.
Correction: 16 N.J.R. 2267(a).
Amended by R.1985 d.351, effective July 15, 1985.
See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).
(c)11 and 12 added.
Amended by R.1986 d.213, effective June 16, 1986.
See: 17 N.J.R. 2490(a), 18 N.J.R. 1266(a).
Added text to (a)12 "Prior to the issuance of the annual permit" and "Bureau of Construction Code Enforcement".
Amended by R.1987 d.490, effective November 16, 1987.
See: 19 N.J.R. 1684(a), 19 N.J.R. 2134(a).
Fees raised.
Emergency amendment, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).
See: 21 N.J.R. 2127(b).
Amended extensively based on an overall increase of approximately 30 percent in fees for code enforcement and planned real estate development, and an increase in the State training fee per cubic foot volume of new construction. Changed fee amounts throughout.
Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989.
See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).
Provisions of emergency amendment R.1989 d.405 readopted with change.
Restructured section.
In (a): added new 5.
In (c): deleted (c)2i(5) regarding minor construction work fees.
In (c)2ii(2): added text to specify equipment fees and deleted (c)2ii(3) regarding fixtures.
In (c)2iii: deleted (3)-(5) and added new (3)-(6).
Deleted (c)3-6 regarding fees, and added (c)2iv, with new (3)-(7) on new fee structure.
Added (c)3 and 4 and renumbered (c)7-12 as (c)3-6ii.
Amended by R.1990 d.61, effective February 5, 1990.
See: 21 N.J.R. 3346(b), 22 N.J.R. 351(b).
Technical change of Form number in (c)6ii.
Amended by R.1991 d.181, effective April 1, 1991.
See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).
In (b), plan review surcharge increased from 30 to 40 percent; plan review only increased from 20 to 25 percent; minimum fee increased from \$33.00 to \$43.00.
In (c)2, basic construction fee permit increased from \$33.00 to \$43.00.
In (c)2i(1), new construction fee increased from \$0.019 to \$0.025; for use groups A-1, A-2, A-3, A-4, F-1, F-2, S-1, S-2 increased from \$0.011 to \$0.014; farm structures increased from \$0.0005 to \$0.0007; maximum farm structures fee increased from \$815.00 to \$1,060.
In (c)2i(2), fees increased from \$17.00 to \$22.00; from \$13.00 to \$17.00 above \$50,000; from \$11.00 to \$14.00 above \$100,000.
In (c)2ii(1), fee increased from \$7.00 to \$9.00 per fixture.
In (c)2ii(2), fee increased from \$46.00 to \$60.00 per special device.
In (c)2iii(1), fee increased from \$25.00 to \$33.00 for one to 50 receptacles or fixtures; each 25 additional increased from \$4.00 to \$5.00.
In (c)2iii(2), fee increased from \$7.00 to \$9.00.
In (c)2iii(3), fee increased from \$33.00 to \$43.00.
In (c)2iii(4), fee increased from \$65.00 to \$85.00.
In (c)2iii(5), fee increased from \$325.00 to \$423.00.
In (c)2iv(1), fee increased from \$46.00 to \$60.00 for 20 or fewer heads; from \$85.00 to \$111.00 for 21 to 100 heads; from \$163.00 to \$212.00 for 101 to 200 heads; from \$423.00 to \$550.00 for 201 to 400 heads; from \$585.00 to \$761.00 for 401 to 1,000 heads; from \$748.00 to \$972.00 for over 1,000 heads.
In (c)2iv(2), fee increased from \$163.00 to \$212.00.
In (c)2iv(3), fee increased from \$65.00 to \$85.00.
In (c)2iv(4) and (5), fee increased from \$33.00 to \$43.00.
In (c)2iv(6) and (7), fee increased from \$260.00 to \$338.00.
In (c)4i, demolition and removal permit increased from \$46.00 to \$60.00 and for form structure removal from \$85.00 to \$111.00.
In (c)4ii, fee for permit to construct a sign increased from \$0.85 to \$1.11 per square foot; minimum fee increased from \$33.00 to \$43.00.
In (c)4iii, certificate of occupancy fee increased from \$85.00 to \$111.00; minimum fee for form structures increased from \$46.00 to \$60.00.
In (c)4iv, fee increased from \$124.00 to \$161.00.

In (c)4v, fee increased from \$85.00 to \$111.00.
In (c)4vii, fee increased from \$20.00 to \$26.00.
In (c)4viii, fees increased from \$195.00 to \$254.00 for one and two-family homes and from \$975.00 to \$41,268 for light commercial structures.
In (c)4ix, fees increased from \$423.00 to \$550.00 for class I structures and from \$85.00 to \$111.00 for class II and III structures. Resubmission of applications increased from \$163.00 to \$212.00 for class I structures and from \$46.00 to \$60.00 for class II and III structures.
In (c)5iii, fees increased from \$33.00 to \$43.00 for thrice annual testing and from \$85.00 to \$111.00 for annual testing.
In (c)6ii(1), fees increased from \$475.00 to \$618.00 for one to 25 workers and from \$165.00 to \$215.00 per worker over 25.
In (c)6ii(2), fee increased from \$100.00 to \$130.00.
Amended by R.1991 d.325, effective July 1, 1991.
See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).
Departmental fees set at (c).
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.
Notice of correction, effective May 18, 1992.
See: 24 N.J.R. 1879(b).
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 (c).
Amended by R.1992 d.313, effective August 3, 1992.
See: 24 N.J.R. 1846(a), 24 N.J.R. 2712(b).
No inspection fee for gas service entrances.
Amended by R.1992 d.390, effective October 5, 1992.
See: 24 N.J.R. 1844(a), 24 N.J.R. 3515(b).
Fee for indirect apportionment systems set at (d).
Amended by R.1992 d.392, effective October 5, 1992.
See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).
Fees increased throughout.
Amended by R.1993 d.187, effective May 3, 1993.
See: 25 N.J.R. 624(a), 25 N.J.R. 1875(a).
Added (c)9.
Amended by R.1994 d.28, effective January 18, 1994.
See: 25 N.J.R. 4546(b), 26 N.J.R. 352(a).
Administrative correction.
See: 26 N.J.R. 796(a).
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.1994 d.323, effective July 5, 1994 (operative January 1, 1995).
See: 25 N.J.R. 2162(a), 26 N.J.R. 2780(a).
Amended by R.1994 d.434, effective September 6, 1994 (operative January 1, 1995).
See: 26 N.J.R. 1911(a), 26 N.J.R. 3706(b).
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).
In (c)5ii(2) added individuals to be trained and registered.
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).
Eliminated minimum fee in (b) and rewrote (c).
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.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.1997 d.409, effective October 6, 1997.
See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).
Amended by R.1998 d.35, effective January 5, 1998.
See: 29 N.J.R. 4215(a), 30 N.J.R. 194(a).
In (c)2.i.(1), added A-5 structures to the fee schedule.
Amended by R.2000 d.47, effective February 7, 2000.
See: 31 N.J.R. 2314(a), 32 N.J.R. 443(a).
Rewrote (c).
Amended by R.2000 d.166, effective April 17, 2000.

See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

In (c)3i, inserted a reference to group R-4.
Amended by R.2001 d.194, effective June 18, 2001.

See: 33 N.J.R. 1041(a), 33 N.J.R. 2097(a).

In (a)5, substituted "The construction or rehabilitation of" for "Newly constructed".

Amended by R.2001 d.347, effective October 1, 2001.

See: 32 N.J.R. 3218(a), 33 N.J.R. 3430(a).

In (c)3, inserted new vi, and recodified former vi through viii as vii through ix.

Amended by R.2002 d.6, effective January 7, 2002.

See: 33 N.J.R. 2570(a), 33 N.J.R. 3883(a), 34 N.J.R. 268(a).

In (c)5ii(2), substituted "Education Unit" for "Training Section".

Amended by R.2002 d.42, effective February 4, 2002.

See: 33 N.J.R. 3713(a), 34 N.J.R. 732(a).

In (a), added 6.

Amended by R.2002 d.260, effective August 5, 2002.

See: 34 N.J.R. 1572(a), 34 N.J.R. 2781(c).

Rewrote (b) and (c)1.

Amended by R.2004 d.67, effective February 17, 2004.

See: 35 N.J.R. 4627(a), 36 N.J.R. 949(b).

Added references to Group R-5 throughout.

Amended by R.2004 d.144, effective April 5, 2004.

See: 35 N.J.R. 4944(a), 36 N.J.R. 1753(a).

Rewrote (c)1.

Amended by R.2004 d.260, effective July 6, 2004.

See: 35 N.J.R. 3474(b), 36 N.J.R. 3274(a).

In (c)3, rewrote ii.

Amended by R.2005 d.446, effective December 19, 2005.

See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).

In (c), added 2i(8).

Amended by R.2006 d.355, effective October 2, 2006.

See: 38 N.J.R. 1789(a), 38 N.J.R. 4175(a).

Added (e).

Amended by R.2007 d.231, effective August 6, 2007.

See: 39 N.J.R. 722(a), 39 N.J.R. 3295(a).

In (c)2iii(10), deleted "in accordance with (c)2iii(2) through 5 above" and inserted "as follows."; and added (c)2iii(10)(A) through (c)2iii(10)(C) and (c)2iii(13).

Amended by R.2007, d.384, effective December 17, 2007.

See: 39 N.J.R. 2684(a), 39 N.J.R. 5211(a).

In (c)2iii(6), substituted "\$55.00" for "\$46.00" and "underwater" for "under-water".

5:23-4.21 Private enforcing agency authorization and reauthorization fees

(a) Authorization fee: Any onsite inspection agency submitting an application to the Department under N.J.A.C. 5:23-4.12 for approval as an inspection agency shall pay a fee of \$2,800 for each subcode for which authorization is sought.

(b) Reauthorization fee:

1. Any onsite inspection agency submitting an application to the Department under N.J.A.C. 5:23-4.12 for re-approval as an inspection agency shall pay a fee of \$1,400 for each subcode for which authorization is sought plus an amount equal to two percent of the gross revenue earned from State Uniform Construction Code enforcement activities during the previous 12-month period.

i. The fee of \$1,400 per subcode plus two percent of gross revenue earned from State Uniform Construction Code enforcement activities shall be applicable to all applications for authorization or reauthorization required to be filed on or after November 1, 2005.

2. The fee shall be paid to the Department in 12 equal installments, beginning with the month immediately following the end of the 12-month period for which the fee is calculated. Payment shall be made prior to the last business day of each month.

Amended by R.1984 d.260, effective July 2, 1984.

See: 16 N.J.R. 3(a), 16 N.J.R. 1714(e).

Section substantially amended.

Amended by R.1985 d.353, effective July 15, 1985.

See: 17 N.J.R. 1032(a), 17 N.J.R. 1758(b).

(b)1: substantially amended.

Public Notice: Notice of Petition to amend section.

See: 17 N.J.R. 2688(a).

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

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

Text on inplant inspection agencies deleted.

Amended by R.1991 d.181, effective April 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (a), authorization fee increased from \$2,000 to \$2,600. In (b), reauthorization fee increased from \$1,000 to \$1,300.

Amended by R.1992 d.392, effective October 5, 1992.

See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).

Fees increased.

Amended by R.2006 d.207, effective June 5, 2006.

See: 38 N.J.R. 1121(a), 38 N.J.R. 2418(a).

In (b), added the designations for 1 and 2; in (b)1, substituted "two" for "five" and inserted (i).

5:23-4.22 (Reserved)

Amended by R.1984 d.481, effective November 5, 1984.

See: 16 N.J.R. 2031(a), 16 N.J.R. 3006(a).

Amended by R.1986 d.142, effective May 5, 1986.

See: 17 N.J.R. 1169(a), 18 N.J.R. 945(a).

Substantially amended.

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

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

Modular unit fee of \$100.00 deleted; title changed.

Amended by R.1991 d.181, effective April 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (a) and (b), insignia fee increased from \$50.00 to \$65.00.

Amended by R.1992 d.392, effective October 5, 1992.

See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).

Fees increased.

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

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

Section was "Building element and manufactured home add-on unit insignia of certification fees".

5:23-4.23 Payment of fees

(a) All fees paid to the Department under the regulations shall be nonrefundable except as otherwise specifically set forth in the regulations. All fees shall be paid by check or money order, payable to the "Treasurer, State of New Jersey".

5:23-4.24 Plan review by the Department of Community Affairs

(a) There is established in the Department of Community Affairs, Division of Codes and Standards, a Bureau of Construction Projects Review, hereinafter "the plan review bureau." The plan review bureau shall review plans, applications and specifications submitted to the Department in its enforcing agency capacity, and as further required or permitted by this section.

(b) Plan review:

1. Plan review shall be required for all uses except as may be otherwise provided in the regulations whenever the department acts as an enforcing agency in any municipality.

2. Special or hazardous uses and types of construction:

i. N.J.A.C. 5:23-3 divides all construction into three classes according to its 'complexity and potential hazard to the public health and safety. N.J.A.C. 5:23-5 provides for three levels of subcode official certification which correspond to the three classes in N.J.A.C. 5:23-5.

ii. For class 1, department plan review and release shall be required on the effective date of the regulations prior to the issuance of a construction permit unless the construction official and each appropriate subcode official in the municipal enforcing agency is certified by the commissioner as a class one construction official or subcode official.

iii. For class two, department plan review and release shall be required after January 1, 1981, prior to the issuance of a construction permit unless the construction official and each appropriate subcode official in the municipal enforcing agency is certified by the commissioner as a class one or class two construction official or subcode official.

iv. For class three, departmental plan review shall not be required except when the department acts as the enforcing agency.

v. Installations of elevators, escalators, and moving walks, except devices in structures of Group R-3, R-4, or

R-5 and those devices in structures of Group R-2 that are otherwise exempted in N.J.A.C. 5:23-3.11(b), shall require Departmental plan review and release.

3. Premanufactured construction: Department plan review and release shall be required for all modular construction other than those authorized to be approved by an inplant inspection agency as provided in N.J.A.C. 5:23-4A.10.

(c) The plan review bureau shall review all applications, plans and specifications for conformance to the regulations.

(d) Plans reviewed by the Department that are judged to be in conformance with the regulations shall be stamped with the word "released" and signed and dated by the reviewing official of the Department.

(e) All plans submitted, and any amendments thereto, accompanied by the required fee, shall be numbered, docketed, and examined promptly after their submission for compliance with the regulations. In the case of plans submitted by an architect or engineer bearing his or her signature, registration number, and seal, plan examination may, except for compliance with exit requirements, be limited to a supervisory check.

(f) If the Department judges a plan not to be in conformance with the regulations, it shall notify the applicant in writing of the reason for rejection.

(g) The Department shall provide such technical assistance to the applicant as may be appropriate pursuant to the regulations.

- (1) Scoping;
- (2) Mixed uses;
- (3) Special technical requirements, all uses;
- (4) Change of use;
- (5) Additions; and
- (6) Historic buildings; and

iv. Barrier Free Subcode (N.J.A.C. 5:23-7).

5. Area 4 shall consist of the following field and laboratory experience:

- i. The review of plans for a Class II structure using a model checklist;
- ii. The inspection of a Class II structure using a model checklist; and
- iii. An overview of standard forms (N.J.A.C. 5:23-4.5).

6. The texts to be used in the building inspector I.C.S. program shall include, but not be limited to, the model codes adopted at N.J.A.C. 5:23-3 as the building subcode and mechanical subcode, the Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.), and the Uniform Construction Code rules (N.J.A.C. 5:23).

(f) Building inspector H.H.S.: The program designed to satisfy the educational requirements for licensure as a building inspector H.H.S. shall consist of a minimum of 60 hours of instruction in the following technical and administrative areas with the specified texts as they apply to the plan review of class I structures and the inspection of all structures as established at N.J.A.C. 5:23-3.

1. Completion of an educational program meeting the requirements for building inspector I.C.S. shall be a prerequisite for registration in the educational program for building inspector H.H.S.

2. Area 1 shall consist of the building subcode adopted at N.J.A.C. 5:23-3, as follows:

- i. Use groups;
- ii. Construction types;
- iii. Special use and occupancy, including:
 - (1) Covered malls;
 - (2) High rise buildings;
 - (3) Hazardous production materials (HPM) facilities;
 - (4) Hazardous materials; and
 - (5) Use Group H (Hazardous);
- iv. General building maintenance;
- v. Structural loads, including:

- (1) Wind loading;
- (2) Seismic loads; and
- (3) Snow loads;

vi. Foundation and retaining walls;

vii. Concrete;

viii. Masonry;

ix. Wood;

x. Steel;

xi. Elevators and conveying systems;

xii. Special construction;

xiii. Roofs and roof structures;

xiv. Fire protection systems;

xv. Exterior wall coverings;

xvi. Glass and glazing;

xvii. Fire resistant materials and construction;

xviii. Interior finishes;

xix. Gypsum board and plaster;

xx. Interior environments; and

xxi. Means of egress.

3. Area 2 shall consist of the mechanical subcode adopted at N.J.A.C. 5:23-3, as follows:

- i. Air distribution; and
- ii. Ventilation.

4. Area 3 shall consist of the following:

- i. Administration (N.J.A.C. 5:23-2);
- ii. Subcodes (N.J.A.C. 5:23-3);
- iii. Rehabilitation Subcode (N.J.A.C. 5:23-6), including:

(1) Scoping;

(2) Basic and supplemental requirements of Use Groups B, M, R, and S;

(3) Mixed uses;

(4) Special technical requirements, all uses;

(5) Additions; and

(6) Historic buildings; and

iv. Barrier Free Subcode (N.J.A.C. 5:23-7);

5. Area 4 shall consist of the following field and laboratory experience:

- i. The review of plans for a Class II structure using a model checklist;

ii. The inspection of a Class II structure using a model checklist; and

iii. An overview of the standard forms (N.J.A.C. 5:23-4.5).

6. The texts to be used in the building inspector H.H.S. program shall include, but not be limited to, the model codes adopted at N.J.A.C. 5:23-3 as the building subcode and mechanical subcode, the Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.), and the Uniform Construction Code rules (N.J.A.C. 5:23).

(g) Electrical inspector I.C.S.: The following standards apply to programs designed to satisfy the educational program requirements for licensure as an electrical inspector I.C.S.

1. Subject requirements:

i. The program shall consist of two major subjects as specified below and shall provide at least 30 hours of instruction in each subject.

ii. It shall ensure technical competencies in the following as they apply to class II and class III structures as established in subchapter 3 of these regulations.

2. Subject 1, Systems design:

i. Electrical service sizing and design to ensure adequate electrical service.

ii. Branch circuit and feeder design including conductor sizing and over-current protection requirements for the various types of circuits, including general lighting and power, appliance and motor circuits, switchboard and panelboard systems.

iii. Requirements for special fixtures, methods and devices required by the code in particular circumstances.

3. Subject 2, Plan review and field inspection:

i. Area 1, Uniform Construction Code:

(1) Organization and content of the Uniform Construction Code regulations and organization and content of the electrical subcode.

(2) Fundamental knowledge of electrical subcode's background, purpose, history, place in local government structure and relation to construction code enforcement programs at other levels of government.

(3) Basic classification of structures into class categories.

ii. Area 2, Plan review:

(1) Methods of systematic plans analysis. Identification of information that must be shown on the plans to insure compliance with the requirements of the code.

(2) Material requirements found in the code, including the ability to recognize approved material and standards and test methods which lead to such approval.

iii. Area 3, Field inspection:

(1) Proper installation methods for all approved materials leading to an ability to ensure that all materials are installed in accordance with proper methods.

(2) Basic inspection report writing including the preparation of violation notices and required inspection record keeping.

4. The texts used in teaching this course shall include, but not be limited to, the National Electrical Code (NEC).

(h) Electrical inspector H.H.S.: The following standards apply to programs designed to satisfy the educational program requirements for licensure as an electrical inspector H.H.S.

1. Prerequisites: Completion of an educational program meeting the requirements for electrical inspector I.C.S.

2. Subject requirements: The program shall consist of one major subject as specified below and shall provide at least 45 hours of instruction in this subject. It shall ensure technical competencies in the following as it applies and class I and all other structures as established in N.J.A.C. 5:23-3.

i. Subject 1, Advanced electrical systems design: The procedures, methods and calculations necessary to check the design, material, and installation practices for the more complex systems which characterize class I buildings, with particular attention being paid to the hazardous uses identified in article 4 of the building subcode and the hazardous (classified) locations identified in the electrical subcode.

3. The texts used in this course shall include, but not be limited to, the National Electrical Code (NEC).

(i) Fire protection inspector I.C.S.: The following standards apply to programs designed to satisfy the educational program requirements for licensure as a fire protection inspector I.C.S.

1. Subject requirements: The program shall consist of two major subjects as specified below and shall provide at least 60 contact hours of instruction in each subject. It shall ensure technical competencies in the following subjects as they apply to class II and class III as established in N.J.A.C. 5:23-3.

2. Subject 1, Plan review and field inspection:

i. Area 1, Uniform Construction Code:

(1) Area I, Administration: Construction code administration's background, purpose, place in local government structure and relation to construction code administration programs at other levels of government. Personnel management including required personnel, records, budgeting. Basic principles of supervision and management. Local enforcement agency administration including records, reports, equipment, personnel procedures and regulations of the Federal, State and local government. Preparation of agency's budget, record keeping requirements under the State Uniform Construction Code including permit and certificate of occupancy records, variation application records and violation files and records. Major forms of manual and electronic methods of data processing. Method of establishing and maintaining proper review and approval procedures for permit applications to ensure compliance with the construction code and applicable laws and ordinances.

(2) Area 2, Legal methods of code enforcement: Purpose and fundamentals of stop orders, notices of penalties and court action. Powers and procedures available to deal with hazardous conditions and emergency situations including emergency work orders and bids and quotations process. Procedures for processing cases involving condemnations and other violations of the subcode from initiation through final compliance. Preparation of case records. Situations requiring a search warrant and the process of obtaining and issuing the warrant. The administrative hearing process under the State Construction Code Act. Legal aspects of the operations of the building and housing inspection agencies, including legal processes and rules of evidence. Legal responsibilities of inspection personnel. Appeals and process before boards of appeal.

(3) Area 3, Related legislation: Legal rights of landlords and tenants under Federal, State and local laws. Relocation laws and their relationship to code enforcement. Relationship of housing maintenance provisions State and local.

(4) Area 4, Subcodes: Housing code provisions including occupancy loads, minimum utilities and facilities. Building subcode provisions including structural requirements, durability and weatherability requirements, and light, air and ventilation requirements. Electrical subcode provisions including minimum service and appliances and basic circuits. Fire prevention code provisions including special permits required, storage and handling of goods and materials, maintenance of exit facilities and maintenance of fire protection equipment. Fire Protection subcode provisions including height and area requirements, fire resistance, flame spread and combustibility requirements; and fire alarm, detection and suppression systems. Plumbing subcode provisions including

sanitary waste disposal, water supply, venting and required facilities.

Amended by R.1985 d.612, effective January 6, 1986.
See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

Was 5:23-5.6.

Amended by R.1987 d.509, effective December 7, 1987.
See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

This section was "Facility fire protection supervisor requirements" which was repealed and 5.21 was recodified.

Administrative Correction to (a), (b)2 and (b)5.

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

Amended by R.1991 d.308, effective June 17, 1991.

See: 23 N.J.R. 1085(a), 23 N.J.R. 1923(a).

Midterm and final exams required at (b); RCS program increased to 60 contact hours; BOCA Building, Mechanical, Plumbing, Energy Conservation, Barrier-Free and CABO codes required in all courses, fire protection inspector subject requirements specified in greater detail.

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

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

Added elevator inspector standards at (d)11.

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

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

Subdivided (b)2 and substantially amended (b)2i.

Amended by R.2002 d.240, effective August 5, 2002.

See: 33 N.J.R. 4178(a), 34 N.J.R. 2784(a).

Rewrote the section.

5:23-5.21 Renewal of license or certification

(a) The Department may issue the appropriate license following submission of an application, payment of the required nonrefundable fee, and verification by the Licensing Unit of the Bureau of Code Services that the applicant meets the requirements for renewal of the license established herein.

(b) Every three years, any license already issued shall be renewed upon submission of an application, payment of the required nonrefundable fee, and verification by the Licensing Unit of the Bureau of Code Services that the applicant has met such continuing educational requirements as may be established by the Commissioner.

1. The Department shall renew the license previously issued for a term of three years; provided, however, that it may renew any such license for a shorter period of time if so requested by the licensee. The renewal period shall begin 90 days prior to the expiration dates, which shall be July 31 or January 31.

(c) The Department shall issue, upon application, a duplicate license wallet card of the appropriate type and specialty, upon a finding that the license has been issued, and that the applicant is entitled to such license wallet card to replace one that has been lost, destroyed, or mutilated. Payment of a fee of \$10.00 shall be required.

(d) Continuing education requirements are as follows:

1. The following continuing education requirements are based upon the type(s) of license(s) held, and not upon employment positions held. Continuing Education Units (CEUs) will be subject to approval by the Bureau of Code Services. One CEU equals 10 contact hours. CEUs will be awarded both for technical and for administrative licenses.

- i. Inspector license only—1.5 CEU (technical);
- ii. Inspector and subcode official licenses—2.0 CEU's (1.5 technical and 0.5 administrative);
- iii. Inspector, subcode official and construction official licenses—2.5 CEU's (1.5 technical and 1.0 administrative).
- iv. Special inspector certifications — .5 CEU Technical

(1) No CEUs are required for certification renewal of special inspectors that are in possession of a current New Jersey license as an engineer.

2. If an individual adds an inspector license in a new subcode area to an existing license, there will be no additional continuing education requirement for the new licenses during that licensure period.

3. If an individual adds administrative licenses to an existing license, there will be no additional continuing education requirement for the new administrative license during that licensing period.

4. To maintain a mechanical inspector's license, 1.5 CEU (technical) shall be completed, as required by this section, in addition to any other CEU requirements for other licenses held.

5. The Department may determine that attendance at specific seminar(s) is mandatory for individual inspectors, subcode officials, or construction officials.

i. The Barrier Free Subcode seminar shall be a mandatory seminar. Each licensed building subcode official or building inspector shall have completed this course for license renewal on or after July 1, 1998. Barrier Free Subcode seminars completed after July 1, 1995 shall be counted toward meeting this requirement.

ii. The framing inspection seminar, which shall provide instruction in inspection methods and procedures, shall be a mandatory seminar. For licenses renewed on or after January 1, 2002, each licensed building inspector shall have completed the framing inspection seminar in order to renew his or her building inspector license(s). Beginning in the fall semester of 2001, the framing inspection seminar delivered through the Department's continuing education program shall be the only framing inspection seminar deemed to satisfy this requirement.

iii. If the Department establishes mandatory seminar(s), the seminar(s) will be offered in sufficient numbers and locations so as to facilitate compliance.

iv. For those code officials who do not complete the mandatory seminar(s), the Department shall offer either a special seminar or video seminar so the code official may be in compliance. The Department shall charge a

fee of \$50.00 per person to attend any video seminar or special seminar.

6. CEU credit for a given course shall be allowed with respect to all licenses held by a licensee to which the course may be applicable.

(e) Lapsed license renewal requirements are as follows:

1. Where the holder of a license has allowed the license to lapse by failing to renew the license as provided for in (b) above, a new application and license shall be required. If such application is made within three years of the license having lapsed, then application may be made in the same manner as a renewal application.

2. The late renewal application shall be accompanied by the appropriate renewal fee and an additional late fee of \$65.00 per year or fraction thereof.

3. Additionally, the licensee must make up or meet the annual continuing education training requirement for each active and expired year as specified herein.

4. Where a license has lapsed for a period exceeding three years, a new application shall be required in accordance with N.J.A.C. 5:23-5.5, and the applicant must meet all current licensure requirements.

(f) After revocation of a license upon any of the grounds set forth in these rules, the Licensing Unit may not renew or reinstate such license; however, a person may file a new application for a license with the Department.

(g) The Department shall not issue a new license to an applicant whose license was previously revoked unless and until the following conditions are met:

1. At least three years shall have passed since the effective date of the revocation of the previous license;

2. If the applicant was convicted of a crime related in any way to code enforcement, the Department shall have determined in light of the factors set forth in N.J.S.A. 2A:168A-2, that the applicant has been fully rehabilitated and that licensing the applicant would not be detrimental to the public welfare;

3. The applicant shall have made full restitution to any person who sustained a loss as a result of the act or omission for which the previous license was revoked; and

4. All conditions imposed by the order of revocation shall have been complied with.

Amended by R.1982 d.8, effective February 1, 1982.

See: 13 N.J.R. 799(b), 14 N.J.R. 143(a).

(b): Deleted "prior to July 31 in the second year" and added "The renewal ... January 31".

(c): Deleted "equal to ... license" and substituted "as may be ... Commissioner" therefor.

(d): Subsection was "reserved"; test added through (d)liii.

(e): Added "in accordance with N.J.A.C. 5:23-5.5".

Amended by R.1985 d.352, effective July 15, 1985.

See: 17 N.J.R. 1031(a), 17 N.J.R. 1758(a).

5:23-7.14 Variations

(a) 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:

1. The spirit and intent of the law are observed;
2. Public welfare and safety are assured; and
3. Equivalent facilitation and protection for people with disabilities are secured.

(b) In no case shall a complete waiver of these requirements be granted.

(c) Procedures for granting variations and exceptions shall be in accordance with N.J.A.C. 5:23-2.9 through 2.13.

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. 5:32-7.13, Recreation: golf facilities, recodified to N.J.A.C. 5:23-7.26.

Recodified from N.J.A.C. 5:23-7.13 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.14, Enforcement, recodified to N.J.A.C. 5:23-7.15.

5:23-7.15 Enforcement

(a) Enforcement of this subchapter shall be the primary responsibility of the building subcode official except as otherwise designated below:

1. Plan review with regard to compliance with the following sections of ICC/ANSI A117.1-1998 shall be the joint responsibility of the building and plumbing subcode officials:

- i. Section 602 (drinking fountains and water coolers);
- ii. Sections 604 (water closets and toilet compartments); and 605 (urinals);
- iii. Section 606 (lavatories and sinks);
- iv. Sections 607 (bathtubs); and 608 (shower compartments);
- v. Section 1002.11.5 (dwelling unit—water closet);
- vi. Section 1002.11.6 (dwelling unit, bathtub—faucets);
- vii. Section 1002.11.7 (dwelling unit, shower—spray unit); and
- viii. Section 1002.12.4 (dwelling unit—sink).

2. Plan review and inspection with regard to compliance with ICC/ANSI A117.1-1998, Section 309 (operable parts) that are regulated by the electrical, fire protection, or plumbing subcodes shall be the responsibility of the corresponding subcode official. Plan review and

inspection of all other mechanisms shall be the responsibility of the building subcode official.

3. Inspection with regard to compliance with the following sections of ICC/ANSI A117.1-1998 shall be the responsibility of the plumbing subcode official:

- i. Sections 602.3 (drinking fountains—operable parts); and 602.4 (drinking fountains—spouts, height); 602.5 (drinking fountain—spout location); and 606.6 (drinking fountain—water flow);
- ii. Sections 604.2 (water closets—location); 604.4 (water closets—height); 604.6 (water closets—flush controls); 605.2 (urinals—height); and 605.4 (urinals—flush controls);
- iii. Sections 606.3 (lavatories—height and clearances); 606.4 (lavatories—faucets); and 606.6 (lavatories—exposed pipes and surfaces);
- iv. Sections 607.5 (bathtubs—controls); and 607.6 (bathtub—shower unit);
- v. Sections 608.2 (shower compartments—size and clearance); 608.4 (showers—seats); 608.5 (showers—controls); and 608.6 (showers—shower unit); 608.7 (showers—thresholds);

vi. Sections 1002.11.5.1 (dwelling units, water closet—location); 1002.11.5.3 (dwelling units, water closet—height); 1002.11.3.3 (dwelling unit—flush controls); and 1002.12.4 (dwelling units—sink).

4. Enforcement of the technical requirements for elevators shall be the responsibility of the elevator subcode official. The building subcode official shall be responsible to ensure that the elevator is on an accessible route.

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. 5:32-7.14, Recreation: ski lifts, aerial tramways, and conveyors, recodified to N.J.A.C. 5:23-7.27.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Recodified from N.J.A.C. 5:23-7.14 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.15, Recreation, recodified to N.J.A.C. 5:23-7.16.

5:23-7.16 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. 5:23-7.17 through 7.32. 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.

1. Indoor recreational facilities shall be on an accessible route of travel and shall comply with all applicable requirements of this subchapter.

(b) Compliance with the provisions of this subchapter that relate to the accessibility of recreational equipment or recreation sites shall be the responsibility of the manager of that recreational facility, of the owner of that 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. The enforcement of the accessibility features of recreational equipment notwithstanding, the construction of recreational equipment may require a construction permit if so determined by the building subcode official.

3. The enforcement of the requirements for swimming pools, including the accessibility features, shall be the responsibility of the building subcode official.

4. 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.

5. 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).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Amended by R.1996, d.274, effective June 17, 1996 (operative October 1, 1996).

See: 28 N.J.R. 1443(a), 28 N.J.R. 3121(a).

Amended (b), added (b)2 and 3 and recodified former (b)2 and 3 as (b)4 and 5.

Recodified from N.J.A.C. 5:23-7.2 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

In (a), changed N.J.A.C. reference in the introductory paragraph. Former N.J.A.C. 5:32-7.15, Recreation: trails, recodified to N.J.A.C. 5:23-7.28.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (b)3, deleted the N.J.A.C. reference.

Recodified from N.J.A.C. 5:23-7.15 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In the introductory paragraph of (a), updated the N.J.A.C. references.

Former N.J.A.C. 5:23-7.16, Recreation: definitions, recodified to N.J.A.C. 5:23-7.17.

5:23-7.17 Recreation: definitions

“Multi-functional play equipment” means play equipment designed to provide multiple play activities such as, but not limited to, swinging, jumping, sliding, and climbing.

“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 that is required by this subchapter to be accessible regardless of whether the facility is indoor or outdoor.

“Single function play equipment” means play equipment designed to provide a single play activity, such as, but not limited to, swinging, jumping, climbing, or sliding.

“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.

“Transfer platform” means a platform with a minimum dimension of 18 inches by 24 inches mounted 15 inches to 17 inches above grade as an integral part of the multi-functional play equipment to provide access.

“Transfer point” means a clear space 36 inches by 60 inches adjacent to a transfer platform.

“Undeveloped areas” means areas used for activities such as camping, hunting, fishing, the observation of nature or open space conservation and which contain no recreation equipment or recreation facilities.

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.1996 d.132, effective March 18, 1996 (operative July 1, 1996).
 See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).
 Recodified from N.J.A.C. 5:23-7.3 by 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. 5:32-7.16, Recreation: camping sites, recodified to N.J.A.C. 5:23-7.29.
 Amended by R.2002 d.350, effective November 4, 2002.
 See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).
 Rewrote “Recreational facility”.
 Recodified from N.J.A.C. 5:23-7.16 by R.2007 d.144, effective May 7, 2007.
 See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).
 Former N.J.A.C. 5:23-7.17, Recreation: exceptions, recodified to N.J.A.C. 5:23-7.18.

5:23-7.18 Recreation: exceptions

These recreation requirements do not apply to undeveloped areas as defined in N.J.A.C. 5:23-7.17.

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).
 Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).
 See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).
 Recodified from N.J.A.C. 5:23-7.4 and amended by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
 Changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.17, Recreation: equipment, recodified to N.J.A.C. 5:23-7.30.
 Recodified from N.J.A.C. 5:23-7.17 and amended by R.2007 d.144, effective May 7, 2007.
 See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).
 Updated the N.J.A.C. reference.
 Former N.J.A.C. 5:23-7.18, Recreation: route of travel, recodified to N.J.A.C. 5:23-7.19.

5:23-7.19 Recreation: route of travel

(a) There shall be an accessible route of travel connecting the following elements: at least one site access point and all support facilities, accessible recreation facilities, and accessible recreation equipment at each park or recreation area. For purposes of applying this requirement, parks may be divided into smaller areas and an accessible route provided from one site access point at each area to all support facilities, accessible recreation facilities, and accessible recreation equipment in that area.

(b) An accessible route of travel shall meet the following criteria:

1. An accessible route of travel that connects an accessible site access point and support facilities, accessible recreation facilities, and accessible recreation equipment shall meet all of the criteria for an accessible route in the

technical standard adopted as part of this subchapter, except that the following are also acceptable surfacing materials: flat surfaced pavers on concrete, flat surfaced pavers on sand, and wood decking. Crushed stone laid over a compacted subgrade and bound with sufficient cement to provide a non-shifting, firm surface shall also be acceptable.

2. A challenge level I accessible route may connect additional site access points, if provided, and support facilities, recreation equipment, and recreation facilities. A challenge level I accessible route shall meet the criteria for an accessible route in the technical standard adopted as part of this subchapter, except as follows:

- i. In addition to the materials listed in (b)1 above, the following materials are acceptable as surfacing: soil cement, graded wood chips, grass, and compacted earth.
- ii. An accessible route with a running slope of 1:16 or steeper shall be considered a ramp. Cross slopes shall not exceed 1:30.
- iii. Landings for ramps shall be provided at the top, bottom, at all changes in direction, and after each 48 feet of projection.
- iv. Materials specified in (b)1 above are acceptable ramp surfacing materials.
- v. When the running slope is between 1:20 and 1:16, a level rest area at least five feet by five feet shall be provided every 200 feet.

(c) The accessible route to multi-functional play equipment shall lead onto the equipment itself, as specified at N.J.A.C. 5:23-7.31(c)1.

(d) When a resilient safety area is specified by the manufacturer of the play equipment, an accessible route through the resilient safety area shall be provided. It shall meet the following conditions:

1. Commercially manufactured or processed materials must be certified by the manufacturer as permitting independent wheelchair passage;
2. Natural materials must be of the type and depth to meet the specifications in the Consumer Products Safety Commission Handbook on Playground Safety (Consumer Products Safety Commission, Washington, D.C. 20207) or must be one of the following:
 - i. Wood chips of relatively uniform size from hard wood without bark, leaves, twigs, or brush, or
 - ii. Double shredded bark and mulch of relatively uniform size without leaves, twigs, or brush; and
3. The accessible route and the resilient safety area shall be of the same material.

(e) The accessible route to single function play equipment shall lead to the safety area surrounding the equipment.

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.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.5 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

In (c), changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.18, Recreation: equestrian facilities, recodified to N.J.A.C. 5:23-7.31.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (b), rewrote 1 and the introductory paragraph of 2; in (d), rewrote the introductory paragraph.

Recodified from N.J.A.C. 5:23-7.18 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In (c), updated the N.J.A.C. reference.

Former N.J.A.C. 5:23-7.19, Recreation: pools, recodified to N.J.A.C. 5:23-7.20.

5:23-7.20 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.

1. 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)3 through 5 below.

2. Wading pools, defined as pools with a maximum depth of less than 24 inches, and diving pools, defined as pools or tanks with a minimum depth of over 13 feet, are not required to provide interior access.

3. A vertical lift meeting the following criteria, and as shown in Figure 7.19a, shall be provided:

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)3ii above, a pool may be equipped with a moving platform. A wheelchair shall be provided to the user if this option is used.

iii. Adjoining a clear level floor area with a minimum dimension of five feet by five feet;

iv. Having controls that meet the criteria for controls and operating mechanisms in the technical standard adopted as part of this subchapter; and

v. Located to meet the criteria of Figure 7.19a.

4. Interior/exterior steps that meet the criteria of Figure 7.19b.