

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.

(5) Time limitation of application: An application for a plan review shall be deemed to have been abandoned 12 months after date of filing, unless such application has been diligently prosecuted or a release has been issued; except that, for reasonable cause, the Department may grant one or more extensions of time for additional periods not exceeding 90 days each.

(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) If required State, county or local prior approvals have not been granted, plan review shall proceed provided that the application for a permit is otherwise complete and the plan review fee has been paid. No permit shall be issued until all required State, county and local approvals are in place.

(A) Exception: Permit applicants applying for plan review of individual owner-occupied one- or two family home addition or alteration projects must have zoning approval in place before plan review shall proceed.

(2) 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](http://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](http://www.energycodes.gov)" and substituted "at [www.ashrae.org](http://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).

Amended by R.2009 d.49, effective February 2, 2009.

See: 40 N.J.R. 5318(a), 41 N.J.R. 733(a).

In the introductory paragraph of (f)2i, inserted a comma following "option", inserted the fourth occurrence of "shall", and inserted "except for plans that are validated as identical to the original prototype, as provided in (f)2i(1) below"; and added (f)2i(1) and (f)4i(5).

Amended by R.2009 d.162, effective May 18, 2009.

See: 40 N.J.R. 4268(a), 41 N.J.R. 2094(a).

Added new (f)4ii(1); and recodified former (f)4ii(1) as (f)4ii(2).

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

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

In (a)6, inserted "or any structure with a smoke control system".

Amended by R.2012 d.139, effective July 16, 2012.

See: 44 N.J.R. 8(a), 44 N.J.R. 1969(a).

In the introductory paragraph of (f)1vi(1), and in (f)1vi(1)(A) and (f)1vi(2)(A), substituted "11-1" for "07-2"; in (f)1vi(1), deleted "from the Department of Community Affairs, Division of Codes and Standards at [www.nj.gov/dca/codes](http://www.nj.gov/dca/codes) or" following "available"; in (f)1vi(1)(A), inserted "meet or" and substituted "IECC/2009" for "IECC/2003 by two percent or more"; in the introductory paragraph of (f)1vi(2), substituted a comma for "and" following "Heating"; and in (f)1vi(2)(A), substituted "ASHRAE/2007" for "ASHRAE/2004".

Amended by R.2013 d.081, effective June 3, 2013.

See: 44 N.J.R. 1303(a), 45 N.J.R. 1393(a).

In (a)6, substituted "1" for "I"; in the introductory paragraph of (f)1vi, and in (f)1vii(1) and (f)1vii(3), substituted "3" for "III" throughout; in the introductory paragraph of (f)1vi(1), substituted "one- and" for "one-and"; and in (f)1vii(1), substituted "Act," for "Act," twice.

Amended by R.2014 d.117, effective July 21, 2014.

See: 46 N.J.R. 160(a), 46 N.J.R. 1685(a).

Recodified (f)1ix in part as (f)1ix(1), and in (f)1ix(1), inserted "Exception:", a comma following "renovation", and the last sentence.

Special amendment, R.2014 d.161, effective October 1, 2014 (to expire May 12, 2015).

See: 46 N.J.R. 2186(a).

Added new (b)9; recodified former (b)9 and (b)10 as (b)10 and (b)11; and in (b)11, substituted "10" for "9".

In (c)2, deleted "hot" preceding "water heaters", substituted "bathtubs" for "tubs", and inserted "clothes"; added new (c)3; and recodified former (c)3 through (c)6 as (c)4 through (c)7.

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

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

Incorporated the amendment by R.2011 d.269; and in (c)4, substituted "fewer 125 or 250" for "less 110 or 220".

Amended by R.2012 d.139, effective July 16, 2012.

See: 44 N.J.R. 8(a), 44 N.J.R. 1969(a).

In (c)5iv(1), inserted "and" at the end; and added (c)5v and (d)1i.

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

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

Added (c)8.

### 5:23-2.18 Inspections

(a) Preliminary inspection: Before issuing a permit, the construction official and appropriate subcode official shall, where necessary, examine or cause to be examined all buildings, structures and sites for which an application has been filed for a construction permit.

(b) Inspections during the progress of work: The construction official and appropriate subcode officials shall carry out periodic inspections during the progress of work to ensure that work inspected conforms to the requirements of the code.

1. Inspections of one- and two-family dwellings for which construction must cease until the inspection is made shall be limited to the following:

i. The bottom of footing trenches before placement of footings;

(1) In the case of pile foundations, a pile log and certification prepared by a licensed professional engineer shall take the place of the inspection required by (b)1i above. Such certification shall include, but not be limited to, verification that the size, type, and location of the piles conforms to the released plans and that the piles are properly set to support the design loads. Such certification shall be based upon personal observations made by the engineer at the site;

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 or similar structures.

(2) For new construction, additions, and work that is determined to be a substantial improvement pursuant to N.J.A.C. 5:23-6.3A, the foundation location survey, including the lowest floor elevation and as-built elevation documentation, for a building that is located in a flood hazard area shall be submitted to the construction official and to the local floodplain administrator and shall include elevation certificates as required by section 1612.5 of the building subcode or section R322.1.10 of the one- and two-family dwelling subcode; the documentation and certificates shall be submitted prior to further vertical construction;

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) Prior to inspection, the responsible person in charge of work shall provide to the building inspector a signed framing checklist (Form F390) to be verified and initialed by the inspector and then made part of the permit file for buildings of Type V construction.

(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.

ii. The requirement for a framing checklist, established at (b)1iv(D) above, shall apply to buildings of Type V construction of Groups R-2, R-3 and R-4 only.

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 sub-code 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)liv.

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 liv.

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).

Amended by R.2009 d.48, effective February 2, 2009.

See: 40 N.J.R. 5319(a), 41 N.J.R. 733(b).

Deleted former (b)liv(1)(D); recodified former (b)liv(1)(E) as (b)liv(1)(D); in (b)liv(1)(D), inserted "(Form F390)" and "for buildings of Type V construction"; and added (b)2ii.

Amended by R.2009 d.126, effective April 20, 2009.

See: 41 N.J.R. 16(a), 41 N.J.R. 1725(a).

In (b)1ii(1)(A), deleted "as described in N.J.A.C. 5:23-9.9" following "sheds".

Amended by R.2014 d.117, effective July 21, 2014.

See: 46 N.J.R. 160(a), 46 N.J.R. 1685(a).

Rewrote (b)1ii(2).

Special amendment, R.2014 d.161, effective October 1, 2014 (to expire May 12, 2015).

See: 46 N.J.R. 2186(a).

Rewrote (b)1i.

**Case Notes**

Administrative law judge recommended the revocation of an electrical contractor's license under N.J.S.A. 45:1-21. The contractor admitted to overcharging three customers by a considerable margin contrary to

N.J.A.C. 13:31-3.7(a) and performing electrical work without first obtaining permits as required under N.J.A.C. 13.31-3.2. He failed to obtain timely inspections once work was completed in contravention of N.J.A.C. 13:31-3.2(b) and N.J.A.C. 5:23-2.18(a)1, and his unlicensed son signed and sealed permit applications in at least five cases contrary to N.J.A.C. 13:31-3.3. In re Suspension or Revocation of the License of Joseph C. Chickachop to Engage in the Bus. of Elec. Contracting in the State of New Jersey, OAL DKT. NO. BDS 2081-13, 2015 N.J. AGEN LEXIS 27, Initial Decision (January 13, 2015).

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

(1) Section R-302.1, Fire-Resistant Construction for Exterior Walls;

(2) Section R-314, Smoke Alarms; and

(3) Sections R-302.2 and R-302.3, Fire-Resistant Construction for Townhouses and Two-Family Dwellings;

iv. The following provisions of the electrical subcode:

(1) Section 240.3, Protection of Equipment Against Overcurrent;

(2) Section 240.4, Protection of Conductors Against Overcurrent;

(3) Section 250.4, General Requirements for Grounding and Bonding;

v. Subchapter 7, the barrier free subcode; and

vi. Any structural deficiency, which is present or likely to occur that has the potential for injury or significant damage to the livability of a home. This shall include any structural member that exceeds the permitted deflection established at N.J.A.C. 5:23-6.5(c)1i through iii.

2. The municipality may retain the services of a professional engineer or registered architect, to be paid at an hourly rate and to work subject to the supervision and control of the construction official, for inspections, review of plans and supporting documents and preparation of reports and documents, in connection with enforcement of (a)1 above provided that the professional retained is independent of both the builder and the homeowner and has no actual or apparent conflict of interest that would call into question his or her ability to carry out these duties impartially. Any person carrying out inspections under such a contract shall be, at a minimum, a licensed engineer or a registered architect or shall have a bachelor's degree from an accredited institution of higher education in engineering or in architecture, or in engineering or architectural technology and shall have not less than five years of experience in the design, construction or rehabilitation of woodframe structures.

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

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

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

New Rule, R.2006 d.355, effective October 2, 2006.

See: 38 N.J.R. 1789(a), 38 N.J.R. 4175(a).

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

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

Section was "Enforcement actions in residential developments after issuance of certificate(s) of occupancy". In (a)1ii(1), substituted "403.14" for "403.12, 406.1, 406.2, 406.3.1, 406.3.2, 406.3.3, 406.3.4, 406.3.5, 406.3.6, 406.3.7, 406.4, 406.5"; in (a)1ii(5), substituted "1009.3.2, 1009.3.3, 1009.10, 1009.11, 1025.11, 1025.13 and 1025.14" for "1003.3.3.3.1, 1003.3.3.3.2, 1003.3.3.11, 1003.3.12, 1008.9, 1009.11, and 1008.12"; in (a)1iii(1), substituted "Section" for "Sections" and "Exterior walls" for "R-302.2 and R-302.3, Required Fire Resistance Ratings"; in (a)1iii(2), substituted "R-313" for "R-317"; and in

(a)1iii(3), substituted "R-317.1" for "R-321.1" and "R-317.2" for "R-321.2"; and in (a)1vi, inserted a comma following "deficiency" and inserted "through iii".

Amended by R.2010 d.291, effective December 20, 2010.

See: 42 N.J.R. 1943(a), 42 N.J.R. 3053(a).

In (a)1ii(1), substituted "403.2.2" for "403.14"; and rewrote (a)1ii(5), (a)1iii(1), (a)1iii(2) and (a)1iii(3).

Administrative correction.

See: 43 N.J.R. 174(a).

#### 5:23-2.36 (Reserved)

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

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

Section was "Procedure of the board".

#### 5:23-2.37 Elevation of an existing building

(a) Service connections: Before a building can be elevated, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer, and other connections. A permit to elevate shall not be issued until releases are obtained from all utilities that provide service to the property, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed or plugged in a safe manner.

(b) Method of elevation: The permit application shall include the proposed method of elevation or equipment to be used, including an estimate of the lifting load and identification of the locations for the principal lift beams, lateral support beams, and cribbing, if any. All supports, including, but not limited to, jacks, beams, cribbing, and strapping, shall be of sufficient size and strength to support the estimated lifting load.

(c) Equipment: The elevation shall employ a synchronized hydraulic jacking system or a method or equipment deemed to be equivalent. For purposes of evaluating the equivalency of any proposed method or equipment, the construction official or building subcode official may request additional supporting documentation pursuant to N.J.A.C. 5:23-2.19 and 3.7.

(d) Protection of adjoining property: In cases where the lot size or the location of the building on the lot is such that there is a need to protect adjoining property or public rights of way, a plan for providing such protection shall be included as part of the permit application. The construction official may require that the plans be prepared by a New Jersey licensed design professional.

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

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

Section was "Decision of the board".

Special New Rule, R.2014 d.161, effective October 1, 2014 (to expire May 12, 2015).

See: 46 N.J.R. 2186(a).

Section was "Reserved".

**5:23-2.38 Departmental appeal**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Added (b).

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

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

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

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

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

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

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

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

In (a), amended where to appeal.

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

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

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

### 5:23-2.39 Automatic fire suppression systems

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

(b) Construction official's responsibilities:

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

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

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

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

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

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

6. The construction official shall forward a copy of the approved application for exemption to the municipal 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 Design and Construction of Health Care Facilities" (Facilities Guidelines Institute), current edition. In the event of any conflict, the more restrictive code provision shall govern.
2. The Department of Health and Senior Services may adopt licensing standards for the physical plant and environment of health care facilities that supplement this code and the "Guidelines for Design and Construction of Health Care Facilities," although these standards may not be in conflict with these codes.
3. The publication "Guidelines for Design and Construction of Health Care Facilities" is available from the American Society for Healthcare Engineering (ASHE) of the American Hospital Association, 155 Wacker Dr.,

Chicago, IL 60606 and can be ordered through the Facilities Guidelines Institute at [www.fgiguilines.org](http://www.fgiguilines.org).

(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)4i 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. A three-sided turn-out shed used to shelter livestock shall be exempt from the permit requirements of the Uniform Construction Code provided there is no permanent foundation or floor and provided the structure is 250 square feet or less in area and 14 feet or less in height and has no utility (water, gas, oil, sewer or electric) connections.

i. The structure shall be of sufficient weight to remain in place or shall be anchored to the ground. Concrete shall not be required for anchoring.

6. Garden-type utility sheds and similar structures shall be exempt from the permit requirements of the Uniform Construction Code provided the structure is 200 square feet or less in area, 10 feet or less in height, has no utility (water, gas, oil, sewer or electric) connections and the shed is dimensionally stable without the foundation system. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit.

i. The structure shall be of sufficient weight to remain in place or shall be anchored to the ground. Concrete shall not be required for anchoring.

7. 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 307.1(1) and 307.1(2) of the building subcode unless separated from the occupied area by appropriate fire resistance rated construction as prescribed in the building subcode.

8. 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 1006 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.

9. 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)12vii below.

10. 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.

11. 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 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 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 excepted under (d)11i 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.

12. Commercial farm buildings exempted under (d)11i 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 1016, 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 1021.1 and 1021.2, one exit is required for each 15,000 square feet of floor area and fraction thereof;

iii. In lieu of the requirements of Section 1011, 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)7 above.

v. In lieu of the requirements of Section 1004, 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.

13. 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).

Amended by R.2009 d.51, effective February 2, 2009.

See: 40 N.J.R. 5325(a), 41 N.J.R. 738(a).

In the introductory paragraph of (d)4, substituted "(d)4i" for "(d)3i"; in (d)5, substituted "307.1(1) and 307.1(2)" for "307.7(1) and 307.7(2)"; in (d)6i, substituted "1006" for "1003.2.11"; in (d)6ii, updated the N.J.A.C. reference; in (d)9i, substituted "one-story" for "one story"; in (d)9i and (d)9ii, deleted "meets the exterior wall fire resistance rating as specified in section 507.2 of the building subcode," following "if the building"; in (d)9ii, substituted "two-story" for "two story"; in (d)10i, substituted "1016" for "1004.2.4"; in (d)10ii, substituted "1019.1 and 1019.2" for "1005.2.1 and 1005.2.2"; in (d)10iii, substituted "1011" for "1003.2.10"; in (d)10iv, substituted "1006" for "1003.2.11" and "(d)6" for "(d)5"; and in (d)10v, substituted "1004" for "1003.2".

Amended by R.2009 d.126, effective April 20, 2009.

See: 41 N.J.R. 16(a), 41 N.J.R. 1725(a).

Added new (d)5 and (d)6; recodified former (d)5 through (d)11 as (d)7 through (d)13; in (d)9vi, substituted "(d)12vii" for "(d)10vii"; in (d)11iii, substituted "(d)11i and ii" for "(d)9i and ii"; in the introductory paragraph of (d)12, substituted "(d)11i" for "(d)9i"; and in (d)12iv, substituted "(d)7" for "(d)5".

Amended by R.2010 d.291, effective December 20, 2010.

See: 42 N.J.R. 1943(a), 42 N.J.R. 3053(a).

In (d)12ii, substituted "1021.1 and 1021.2" for "1019.1 and 1019.2".

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

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

In (b)1 and (b)2, substituted "Design and Construction of Health Care" for "Construction and Equipment of Hospital and Medical"; in (b)1, substituted "Facilities Guidelines Institute" for "American Institute of Architects Committee on Architecture for Health" and deleted "1996-1997 edition or" preceding "current"; in (b)2, inserted "and Senior Services"; and rewrote (b)3.

G2417.7.3 Purging appliances and equipment. After the piping system has been placed in operation, appliances and equipment shall be purged before being placed into operation.

xiii. 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.

xiv. 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.

xv. 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.

xvi. 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 28 shall be deleted in their entirety. Plumbing requirements under the scope of this subcode shall be regulated by the plumbing subcode.

21. Chapter 29, Water Supply and Distribution, shall be deleted except P2904, Multi-purpose fire sprinkler systems.

i. Section P2904 shall be amended as follows:

(1) In Section P2904.1, General, the last sentence shall be deleted and "A backflow flow preventer shall be required to separate a stand-alone sprinkler system from the water distribution system in accordance with the plumbing subcode (N.J.A.C. 5:23-3.15)." shall be inserted.

(2) In Section P2904.2.3, Freezing areas, "Section P2603.6" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

(3) In Section P2904.8.1, Preconcealment Inspection, item 8, "Section P2503.7" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

22. Chapters 30 through 33 shall be deleted in their entirety. Plumbing requirements under the scope of this subcode shall be regulated by the plumbing subcode.

23. Chapters 34 through 43 shall be deleted in their entirety. Electrical requirements under the scope of this subcode shall be regulated by the electrical subcode.

24. Chapter 44, Referenced standards, shall be amended as follows:

i. Under the subheading, NFPA, "NFPA 13R-07, Installation of Sprinkler Systems in Residential Occu-

pancies Up To and Including Four Stories in Height" shall be inserted.

25. 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, the last sentence in Item 10.2 shall be deleted. Also, Section AG105.3, Indoor swimming pool, "Item 9" shall be deleted and "Items 1 through 7" shall be inserted.

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, Sizing of Water Piping Systems; 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).

Amended by R.2009 d.48, effective February 2, 2009.

See: 40 N.J.R. 5319(a), 41 N.J.R. 733(b).

In (c)3xxvii, inserted the final sentence; recodified the former second occurrence of (c)3xxiii as (c)3xxviii; added new (c)4iii; recodified former (c)4iii and (c)4iv as (c)4iv and (c)4v; added new (c)4vi; recodified former (c)4v through (c)4vii as (c)4vii through (c)4ix; added (c)5iii; in (c)8i, inserted "(N.J.A.C. 5:23-3.15)"; in (c)9iii, deleted "Figure R1003.11 and" following "In"; added new (c)19ix; recodified former (c)19ix through (c)19xiii as (c)19x through (c)19xiv; and rewrote (c)23iv.

Amended by R.2009 d.126, effective April 20, 2009.

See: 41 N.J.R. 16(a), 41 N.J.R. 1725(a).

Added new (c)4ii; and recodified former (c)4ii through (c)4ix as (c)4iii through (c)4x.

Amended by R.2010 d.195, effective September 7, 2010.

See: 41 N.J.R. 3140(a), 42 N.J.R. 2043(a).

Rewrote (a) and (c).

Amended by R.2011 d.269, effective November 7, 2011.

See: 43 N.J.R. 904(a), 43 N.J.R. 3008(a).

Added new (c)3vii; deleted former (c)3xxii; recodified former (c)3vii through (c)3xxi as (c)3viii through (c)3xxii; added new (c)19xii; and recodified former (c)19xii through (c)19xv as (c)19xiii through (c)19xvi.

Special amendment, R.2014 d.161, effective October 1, 2014 (to expire May 12, 2015).

See: 46 N.J.R. 2186(a).

Rewrote (c)3.

### 5:23-3.22 Fuel gas 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 Fuel Gas Code/2009. 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/2009 may be known and cited as the "fuel gas subcode."

2. Any references to the International Plumbing Code or the International Existing Building Code listed in Chapter 8 shall be considered a reference to the appropriate plumbing 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/2009 shall be amended as follows:

1. Chapter 1 of the fuel gas subcode, entitled "Scope and 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, Terms defined in other codes, delete "International Plumbing Code," and insert "the plumbing subcode."

ii. The definition of the term "alteration" is deleted;

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.

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, Scope, is amended to delete the words "in accordance with Section 101.2."

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, Repair, is deleted.