

(c) Certificates of occupancy or certificates of approval, as applicable, shall be issued for individual tenant spaces in multi-tenant buildings as follows:

1. A certificate of occupancy or certificate of approval shall be issued provided the work authorized by the construction permit has been completed in accordance with the Uniform Construction Code and all conditions of prior approvals, if applicable, have been met.

2. The construction official may issue a certificate of occupancy or certificate of approval for a portion(s) of the building provided all of the work authorized by the construction permit has been completed in accordance with the Uniform Construction Code and all conditions of prior approvals, if applicable, have been met and provided that the unfinished portions of the building do not present life safety hazards.

3. Certificates of occupancy or certificates of approval, as applicable, may be issued floor by floor or tenant space by tenant space.

(d) Construction permits, temporary certificates of occupancy, and certificates of occupancy shall be issued in accordance with the procedures set forth at N.J.A.C. 5:23-2.15 and 2.23, respectively.

New Rule, R.2007 d.125, effective May 7, 2007.
See: 38 N.J.R. 3707(a), 39 N.J.R. 1671(a).

5:23-2.24 Conditions of certificate of occupancy

(a) Certificate of occupancy shall be conditioned upon the following:

1. That the completed project meets the conditions of the construction permit, and all prior approvals and has been done substantially in accordance with the code and with those portions of the plans and specifications controlled by the code;

2. That all required fees have been paid in full;

3. That all necessary inspections have been completed and that the completed project meets the requirements of the regulations;

4. That all violations have been corrected and that any assessed penalties have been paid;

5. That all protective devices and equipment required to be installed by the regulations will continue to be operational as required by the regulations.

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

validated copy of the Certificate of Participation, required pursuant to N.J.A.C. 5:25-5.5, and proof of payment of the warranty premium.

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

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

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

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

(g) Whenever a liquefied petroleum gas installation subject to the Department's jurisdiction pursuant to N.J.A.C. 5:23-3.11(j) is part of a project that requires a construction permit, no certificate of occupancy or certificate of approval shall be issued except after filing by the owner with the construction official of a photocopy of a permit to operate and fill issued by the New Jersey Department of Community Affairs, Division of Codes and Standards, Bureau of Code Services, PO Box 816, Trenton, New Jersey 08625-0816.

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

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

Text added at (f).

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), 27 N.J.R. 3325(b).

Rewrote (f).

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).

Added new (g); recodified former (g) as (h).

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

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

Rewrote (a)1.

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

In (g), amended the N.J.A.C. reference and substituted "Bureau of Code Services" for "Bureau of Boiler and Pressure Compliance".

Administrative correction.

See: 35 N.J.R. 3608(a).

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

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

In (g), substituted "Whenever a liquefied petroleum gas installation subject to the Department's jurisdiction pursuant to N.J.A.C. 5:23-3.11(j) is part of a project that requires a construction permit, no" for "No" and "permit to operate and fill issued by" for "notice of LP gas installation filed, pursuant to N.J.A.C. 5:18-6.4(a), with" and deleted "for any building or project that includes a vapor delivery liquefied petroleum gas installation that is greater than 250 gallons, but not more than 2,000 gallons" following "shall be issued".

Case Notes

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

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).

5:23-2.25 Establishment of fees

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

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

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

Elevator activities added.

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

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

Administrative correction.

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

Administrative correction.

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

Deleted reference to certificate of compliance and certificate of approval.

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

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

Inserted a reference to annual electrical inspection of swimming pools, spas and hot tubs in the first sentence.

Case Notes

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

5:23-2.26 (Reserved)

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

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

Section was "Plan Review Fees".

5:23-2.27 Refunds

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

5:23-2.28 Volume computation

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

(b) Structures: The volume of the structure shall include all enclosed dormers, porches, penthouses and other enclosed portions of the structure measured from the top of the floor assembly of the first story above grade to the mean height of a pitched roof, or the average height of the top of the roof beams of a flat roof.

1. With a basement/cellar: When a basement/cellar is included in the design of a structure, the volume of the basement shall be measured from the basement/cellar floor to the top of the floor assembly of the first story above grade and added to the structure volume calculation from (b) above.

2. Without a basement/cellar: When a structure does not include a basement/cellar in the design, the volume of the space below the floor assembly of the first story above grade shall be measured by using the distance from the top of the floor assembly of the first story above grade to the bottom of the footings divided by five (one-fifth the total distance), but this distance is not to exceed 2½ feet below the top of the floor assembly of the first story above grade, and then added to the structure volume calculation from (b) above.

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

(d) No fee shall be required for premanufactured construction, assembly or components transported to a construction site. A fee shall be required for work performed at the site,

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

3. Restoration of unsafe structure: A building or structure condemned by the construction official may be restored to a safe condition in accordance with N.J.A.C. 5:23-6, Rehabilitation Subcode. A certificate of approval or certificate of occupancy, as appropriate, shall be obtained prior to reoccupancy of the building or structure.

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

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

(b) Emergency measures:

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

2. Temporary safeguards: When, in the opinion of the construction official, there is actual and immediate danger of collapse or failure of a building or structure or any part

thereof which would endanger life, the construction official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein has been instituted. Such work may include such demolition as may be necessary in order to eliminate any actual and immediate danger to human life; provided, however, that any demolition work shall not commence until at least 24 hours following service of notice of the pending demolition upon the owner, unless such service is not possible because the identity or the address of the owner cannot be determined from public records. Upon expiration of the 24-hour period, demolition may proceed unless stayed by order of the Superior Court.

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

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

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

6. Appeals: An emergency order issued by a municipal construction official pursuant to this subsection shall be appealable only to a court of competent jurisdiction.

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

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

C.O. required prior to reoccupancy.

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

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

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

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

Rewrote (a)3.

Amended by R.2003 d.201, effective May 19, 2003.

See: 35 N.J.R. 303(a), 35 N.J.R. 2207(a).

Rewrote (b).

Law Review and Journal Commentaries

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

Case Notes

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

Mobile park owner that leased space to mobile home owners could not require residents to convert from oil heat to gas heat as condition of approving prospective purchases. *Garden Park Mobile Home Owners*

Ass'n v. Garden Park Associates, 292 N.J.Super. 442, 678 A.2d 1191 (L.1996).

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

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

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

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

5:23-2.33 Service of notice

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

5:23-2.34 Protection of adjoining properties

(a) Owners who undertake construction, rehabilitation, or demolition work at their properties shall protect adjoining properties from damage caused by the work.

(b) The owner intending to undertake the construction, rehabilitation, or demolition work that could potentially damage adjoining properties shall deliver written notice of such intent to the owners of the affected properties. The notice shall request written permission to enter the adjoining properties to determine the measures that must be taken to safeguard the properties from damage.

1. Written consent from the owners of the adjoining properties must be obtained prior to entering the properties.

2. In those cases where owners of adjoining properties refuse access, work shall not proceed unless access to the properties is granted by the courts.

(c) The measures to be taken to safeguard adjoining properties shall be submitted with the permit application for review and approval by the construction official.

(d) Upon approval of the measures to safeguard the adjoining properties, the owner intending to undertake the construction, rehabilitation, or demolition work shall provide a copy of the measures to the owners of adjoining properties and shall request written permission to implement the measures prior to the commencement of work.

i. Written consent from the owners of the adjoining properties to implement the measures to safeguard the properties must be obtained.

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

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

Section was "Construction board of appeals".

New Rule, R.2008 d.39, effective March 3, 2008.

See: 39 N.J.R. 2175(a), 40 N.J.R. 1084(a).

Section was "Reserved".

5:23-2.35 Enforcement actions after issuance of certificate(s) of occupancy

(a) Subsequent to the issuance of a certificate of occupancy, the construction official shall issue a notice of violation for any violation of the provisions of the Code in effect at the time of permit application that comes to his or her attention. Pursuant to N.J.S.A. 2A:14-1.1, no notice of violation may be issued to the developer or to any contractor more than 10 years after issuance of the certificate of occupancy.

1. If violations of any of the following provisions of the Code in effect at the time of permit application are found in a residential structure in a development, other than Group R-1, subsequent to the issuance of a certificate of occupancy, the construction official shall issue such notices and orders as may be necessary to ensure that all units within the development that might have similar violations are inspected for such violations and that any such violations found are cited and abated:

i. N.J.A.C. 5:23-2.32 Unsafe structures;

ii. The following provisions of the building sub-code:

(1) Chapter 4, Special Detailed Requirements Based on Use and Occupancy, except for sections 401, 402.3, 403.2.2, 409, 412;

(2) Chapter 7, Fire-resistant Rated Construction;

(3) Section 803, Wall and Ceiling Finishes;

(4) Chapter 9, Fire Protection Systems; and

(5) Chapter 10, Means of Egress, except for sections 1009.4.4, 1009.4.5, 1009.12, 1009.13, 1028.11, 1028.13 and 1028.14;

iii. The following provisions of the one- and two-family dwelling subcode:

accessory to Group R3' following "Note b"; added new (b)8iii; recodified former (b)8iii through (b)8v as (b)8iv through (b)8vi; in (b)8v, substituted "Exceptions 4 and 6" for "Exception 4" and "their" for "its"; in the second paragraph of (b)9ii, deleted ".1" following "903.1.2"; in (b)9vi, deleted "that conforms to the requirements of Section 1005.3.6," following "stairway" and substituted "1023" for "1003.3.4"; in the introductory paragraph of (b)9vi, substituted "903.2.14" for "903.2.16"; in (b)9xiii, substituted "903.3.1.1" for "906.2.1"; rewrote (b)9xiii through (b)9xli; added (b)9xlii; rewrote (b)10, (b)17xiv through (b)17xxii; added new (b)18v; recodified former (b)18v through (b)18xi as (b)18vi through (b)18xii; rewrote (b)21; and in (b)22iv, deleted "In" preceding "Section" and "Item 3" preceding "shall".
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 (b)18v; and recodified former (b)18v through (b)18xii as (b)18vi through (b)18xiii.

Amended by R.2009 d.255, effective August 17, 2009.

See: 41 N.J.R. 1919(a), 41 N.J.R. 3065(a).

In (b)21ii, inserted "insert" twice, substituted "8.6" for "8.6.1.6.5" and deleted "shall be inserted" preceding "after" twice.

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

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

Rewrote the section.

Amended by R.2012 d.179, effective November 5, 2012.

See: 44 N.J.R. 1679(a), 44 N.J.R. 2557(a).

Added new (b)9xlii, (b)10xxx and (b)10xxxi; recodified former (b)9xlii through (b)9liii as (b)9xliiii through (b)9liv; and recodified former (b)10xxx through (b)10xxviii as (b)10xxxi through (b)10xl.

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

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

In (b)17i, substituted "1" for "T".

Administrative correction.

See: 46 N.J.R. 74(b).

Amended by R.2015 d.139, effective September 21, 2015.

See: 47 N.J.R. 9(a), 47 N.J.R. 2352(b).

Rewrote the section.

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 Plumbing Heating-Cooling Contractors—National Association, known as "The National Standard Plumbing Code/2009," as the plumbing subcode for New Jersey.

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

2. "The National Standard Plumbing Code/2009," 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 "Dead End, Potable Water" shall be deleted in its entirety.

x. The definition of "tempered water" shall be amended as follows: before "temperature," delete "desired" and after "temperature," delete "for its intended use, typically" and insert "of."

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

xii. 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 shall be inserted: "Combination domestic/fire water service piping shall be in-

stalled 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 third 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. New Section 2.19.3, Common Systems, shall be inserted as follows:

a. Common water services shall be permitted to serve attached single-family dwellings in groups of three or more where the common water service is located within property subject to an association easement or on common property and there is a homeowners' association or other owner entity responsible for maintenance and upkeep.

b. Common building sewers shall be permitted to serve attached single-family dwellings in groups of three or more where the common sewer is located within property subject to an association easement or on common property and there is a homeowners' association or other owner entity responsible for maintenance and upkeep.

ix. In Section 2.23, Dead Ends, subsection b shall be deleted.

x. Section 2.24, Toilet facilities for construction workers, shall be deleted in its entirety.

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. In Section 3.1.3, Standards Applicable to Plumbing Materials, in the "Note," the following shall be inserted: APSP—The Association of Pool and Spa

Professionals, 2110 Eisenhower Avenue, Alexandria, VA 22314, tel: 703-838-0083, fax: 703-549-0493.

v. In Table 3.1.3, Standards for Approved Plumbing Materials and equipment, Part XI, Practices and Standards for Qualifications, Installation and Testing, insert: "20. Entrapment Avoidance for Swimming Pools, Spas and Hot Tubs: APSP-7 – 2006."

vi. Section 3.3.8a is amended to add the following phase: "Pressure vessels shall be designed and constructed in accordance with the requirements of the American Society of Mechanical Engineers (ASME, Rules for 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.

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

viii. 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.

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:

x. Section 18.10 is deleted.

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

19. Appendix E of the plumbing subcode, entitled "Special Design Plumbing Systems," shall be amended as follows:

i. Section E.9.3, Rainfall Rates, shall be deleted and the following shall be inserted: "Rainfall rates shall be applied so that the applicable rainfall rates for Burlington and Ocean counties and all counties south, shall be six (6) inches per hour; for Mercer and Monmouth counties and all counties north, the applicable rainfall rate shall be five (5) inches per hour."

ii. Section E.9.4, Secondary Roof Drainage, shall be deleted.

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)10viii and (b)10viii; and in (b)10viii, substituted "2004" for "1999".

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

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

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

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

Rewrote the section.

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

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

Added new (b)3viii; recodified former (b)3viii through (b)3ix as (b)3ix through (b)3x; added new (b)17ii through (b)17iii; and recodified former (b)17ii through (b)17viii as (b)17iv through (b)17x.

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 electrical subcode adopted are as follows:

1. Pursuant to the 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 2014" 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 2014 may be known and cited as "the electrical subcode."

i. Codes and standards referenced in the Informational Notes of the electrical subcode (NEC

2014) shall be considered adopted by reference to the extent prescribed by each related section. These codes and standards also are printed in DCA Bulletin # 15-1, 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 C2-2012) 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."

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 210.8(A)(2) and (5) of Article 210, entitled Branch Circuits, is deleted; it is replaced by Section 210.8(A)(2) and (5) and the exceptions in the National Electrical Code 2005 as follows:

"210.8(A)(2) – Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception No. 1 to (2) – Receptacles that are not readily accessible.

Exception No. 2 to (2) – A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)7, or (A)(8).

Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

210.8(A)(5) – Unfinished basements: For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception No. 1 to (5) – Receptacles that are not readily accessible.

Exception No. 2 to (5) – A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)7, or (A)(8).

Exception No. 3 to (5) – A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G)."

ii. Section 210.8(A)10, Dwelling Units (Ground-fault Circuit-Interrupter Protection for Personnel) shall be deleted.

iii. In Section 210.12(A), entitled "Arc-Fault Circuit-Interrupter Protection. Dwelling Units," "kitchens" and "laundry areas" shall be deleted.

iv. Section 210.12(B), entitled "Branch Circuit Extensions or Modifications – Dwelling Units," is deleted in its entirety.

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

5. Chapter 4 of the electrical subcode, entitled "Equipment for General Use" is amended as follows:

i. Section 406.4(D)(4), entitled "Arc-Fault Circuit-Interrupter Protection," is deleted in its entirety.

6. 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. Section 525.5(B) of Article 525, entitled "Carnivals, Circuses, Fairs and Similar Events," is deleted; it is replaced by Section 525.5(B) in the National Electrical Code 2005 as follows:

"525.5(B) Clearances to Rides and Attractions. Amusement rides and amusement attractions shall be maintained not less than 4.5 m (15 ft) in any direction from overhead conductors operating at 600 volts or less, except for the conductors supplying the amusement ride or attraction. Amusement rides or attractions shall not be located under or within 4.5 m (15 ft) horizontally of conductors operating in excess of 600 volts."

iii. 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.

iv. In Article 551, entitled "Recreation Vehicles and Recreation Vehicle Parks," delete from the title the words "Recreational Vehicles and."

(1) 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.

v. 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.

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

i. In Section 620.1, Scope, Informational Note No. 1 shall have "ASME A17.1-2010/CSA B44-10" deleted and "ASME A17.1-2013/CSA B44-13" shall be inserted in its place;

ii. In Section 620.23(C), Duplex Receptacle, the Informational Note shall have "ASME A17.1-2010/CSA B44-10" deleted and "ASME A17.1-2013/CSA B44-13" shall be inserted in its place;

iii. In Section 620.24(C), Duplex Receptacle, the Informational Note shall have "ASME A17.1-2010/CSA B44-10" deleted and "ASME A17.1-2013/CSA B44-13" shall be inserted in its place;

iv. In Section 620.51(A), Type, the Informational Note shall have "ASME A17.1-2010/CSA B44-10" deleted and "ASME A17.1-2013/CSA B44-13" shall be inserted in its place;

v. In Section 620.91, Emergency and Standby Power Systems, the Informational Note shall have "ASME A17.1-2010/CSA B44-10" deleted and "ASME A17.1-2013/CSA B44-13" shall be inserted in its place;

vi. In Section 680.25(A)(1), Feeders (Wiring Methods), the exception shall be deleted. The following exception, from Section 680.25(A)(1) of the NEC/2011, shall be inserted:

"Exception: An existing feeder between an existing remote panelboard and service equipment shall be permitted to run in flexible metal conduit or an approved cable assembly that includes an equipment grounding conductor within its outer sheath. The equipment grounding conductor shall comply with 250.24(A)(5)."

vii. In Section 690.47, Grounding Electrode System, (D) Additional Auxiliary Electrodes for Array Grounding, shall be deleted in its entirety.

8. Chapter 8 of the electrical subcode, entitled "Communication Systems," is amended as follows:

i. Section 800.156, entitled "Dwelling Unit Communications Outlet," is deleted in its entirety.

9. Informative Annex H of the electrical subcode, entitled "Administration and Enforcement," is deleted in its entirety.

(c) A newly installed automatic lawn sprinkler system, where such systems are not prohibited by local ordinance, shall be equipped with an automatic rain sensor device or switch that will override the irrigation cycle of the automatic lawn sprinkler system when rainfall of more than one-half inch has occurred.

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.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).

Amendments to (b)4i(2), ii(2).

Administrative Correction to (b)4i(2).

See: 22 N.J.R. 2503(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.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.1998 d.362, effective July 20, 1998.

See: 30 N.J.R. 1122(a), 30 N.J.R. 2644(b).

In (a), inserted a new 3.

Amended by R.2000 d.48, effective February 7, 2000.

See: 31 N.J.R. 2317(a), 32 N.J.R. 445(a).

In (a), substituted references to 1999 for references to 1996 throughout, substituted a reference to One Batterymarch Park for a reference to Batterymarch Park in 1i, and inserted 2i; and in (b), inserted 1ii, inserted a new 3, recodified former 3 and 4 as 4 and 5, substituted a reference to line four for a reference to line three and substituted a reference to line six for a reference to line five in the new 4i, and substituted a reference to section 500-5(a)(4) for a reference to section 500-3(a)(4) in the new 5i.

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.240, effective June 16, 2003.

See: 34 N.J.R. 3045(a), 35 N.J.R. 2637(c).

Added (c).

Amended by R.2006 d.158, effective May 1, 2006.

See: 37 N.J.R. 4105(a), 38 N.J.R. 1827(a).

In (a)1, (a)2 and (a)2.i, substituted "2005" for "2002"; also in (a)2.i, substituted "#06-2" for "#03-1"; in (a)3, substituted "C2-2002" for "C2-1997"; deleted (b)1 and recodified (b)2 through (b)6 as (b)1 through (b)5; in (b)4.ii, substituted "(2)" for "(1)", in (b)5iii(1), substituted "4" for "2"; in (b)5iii(2), substituted "V" for "VI" and "551.20" for "551.10"; and inserted (b)6.

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

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

Added (b)7.

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 (b)4ii; recodified former (b)4ii as (b)4iii; and in (b)4iii, substituted "(2)" for "(1)".

Amended by R.2008 d.213, effective August 4, 2008.

See: 39 N.J.R. 2411(a), 40 N.J.R. 4523(b).

Rewrote (b)5iv.

Amended by R.2009 d.100, effective April 6, 2009.

See: 40 N.J.R. 5900(a), 41 N.J.R. 1397(a).

In the introductory paragraphs of (a)1 and (a)2 and in (a)2i, substituted "2008" for "2005"; in (a)2i, substituted "#09-1" for "#06-2", rewrote (b)3i; added (b)4iv and (b)4v; added new(b)5ii; recodified former (b)5ii through (b)5iv as (b)5iii through (b)5v; deleted (b)5iii(1)(A) and former (b)5iv(1); recodified former (b)5iv(2) as new (b)5iv(1); in (b)6, substituted "H" for "G"; and rewrote (b)7.

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

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

Rewrote (b)6; and added (b)8.

Amended by R.2012 d.083, effective May 7, 2012.

See: 44 N.J.R. 10(a), 44 N.J.R. 1336(a).

In the introductory paragraph of (a)1 and (a)2, and in (a)2i, substituted "2011" for "2008"; in (a)2i, substituted "Informational Notes" for "Fine Print Notes (FPNs)" and "12-1" for "09-1"; in (b)2i, deleted ", 3.8 and 3.8A" following "5:23-3.7"; in the introductory paragraph of (b)3i, substituted "210.8(A)(2)" for "210.8 (A)2"; in (b)3i, inserted the last paragraph; added (b)3ii; deleted (b)4ii, (b)4iv and (b)4v; recodified (b)4iii as (b)4ii; added new (b)5; recodified former (b)5 through (b)8 as (b)6 through (b)9; rewrote (b)7i; and in (b)9, inserted "Informative".

Amended by R.2015 d.139, effective September 21, 2015.

See: 47 N.J.R. 9(a), 47 N.J.R. 2352(b).

Rewrote (a) and (b).

Case Notes

Former N.J.A.C. 5:23-3.6 designated "National Electrical code of 1975" as controlling code; statute of limitations. *Brown v. Jersey Central Power and Light Co.*, 163 N.J.Super. 179 394 A.2d 397 (App.Div.1978) certification denied 79 N.J. 489 401 A.2d 244.

5:23-3.17 Fire protection subcode

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

1. Pursuant to the authority of P.L. 1975, c. 217 as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the following portions of the building, electrical, mechanical, and fuel gas subcodes, to the extent delineated in N.J.A.C. 5:23-3.4, as the fire protection subcode for New Jersey.

i. International Building Code of the International Code Council, Inc. adopted as amended at N.J.A.C. 5:23-3.14 as the building subcode:

- (1) Chapter 3—Use and Occupancy Classification;
- (2) Chapter 4—Special Detailed Requirements Based on Use and Occupancy;
- (3) Chapter 7—Fire and Smoke Protection Features;
- (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;

would require a special movement permit for highway transit; and

3. Is certified by the manufacturer as complying with ANSI A119.5.

5:23-4D.3 Standards

(a) Regulations concerning recreational park trailers are follows:

1. Pursuant to authority of P.L. 1975 c. 217, as supplemented by P.L. 1991, c. 457, the Commissioner hereby adopts the standard of the American National Standard Institute A119.5 Recreational Park Trailers, 2005 edition, known as "ANSI A119.5." This standard is hereby adopted by reference as the recreational park trailer subcode for New Jersey subject to the modifications stated in (c) below.

i. Copies of this standard may be obtained from the Recreational Park Trailer Industry Association, 30 Greenville Street, 2nd Floor, Newnan, GA 30263.

ii. The ANSI A119.5, 2005 edition, may be known and cited as the "recreational park trailer subcode."

(b) The provisions of this subcode shall apply to the construction, alteration, repair or increase in size of recreational park trailers.

(c) The following chapters, sections or pages of the "ANSI A119.5 Recreational Park Trailers, 2005 Edition" Standards are amended as follows:

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

i. In Section 1-3, delete the definition of "Porch."

ii. In Section 1-5, "Electrical Requirements," delete "NFPA 70, *National Electrical Code*," and insert "the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16."

2. Chapter 3, Health, Fire and Life Safety Special Provisions, shall be amended as follows:

i. Add new Section "3-6 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.

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."

3. Chapter 5, Construction Requirements, shall be amended as follows:

i. Delete the text of section 5-1 entitled "General Requirements" and insert the following in its place:

"Recreational park trailers shall be constructed in accordance with the requirements of this chapter."

ii. In Section 5-2.4, delete the second sentence.

iii. In Section 5-2.5, delete the second sentence.

iv. In Section 5-3.1, in the first sentence, delete the words "exceeding eight feet, six inches (8'-6") (25.908m) in width while in the travel mode."

v. In Section 5-3.5.2, delete the second sentence.

vi. In Section 5-3.5.3, delete the third sentence.

vii. In Section 5-3.5.4, delete the fourth sentence.

viii. In Section 5-3.6.1, delete the third sentence.

ix. In Section 5-3.6.2, delete the second sentence.

x. In Section 5-4.4, delete the second sentence.

xi. In Section 5-5.1, entitled "General," in the first sentence insert the words "and lateral" after the word "vertical."

xii. In Section 5-8, delete the last sentence and insert the following: "The recreational park trailer shall be anchored to withstand design wind load for the location."

xiii. In Section 5-9 delete the second sentence.

4. Appendix C, Referenced Publications, shall be amended to delete the references to NFPA 70.

5:23-4D.4 Certification

(a) A Recreational Park Trailer Industry Association (RPTIA) label or an approved equivalent label or certification for each recreational park trailer indicating that the unit has been manufactured in compliance with the adopted recreational park trailer subcode shall be permanently attached thereto in an accessible and visible location. The location of the label shall be indicated on the approved building system documentation.

(b) An approved label for a recreational park trailer shall bear the following information:

1. The name and seal of the Recreational Park Trailer Industry Association or such other organization with a quality assurance program as may be approved by the Department; and

2. The label serial number.

5:23-4D.5 (Reserved)

5:23-4D.6 Approval of compliance assurance documents

(a) The manufacturer shall not start production of any recreational park trailer unless the building systems documents, compliance assurance program and on-site installation

instructions have been approved by the Department or an approved evaluation and inspection agency.

(b) Approved evaluation agencies shall be permitted to approve building systems documents, compliance assurance programs and the on-site installation instructions for the recreational park trailers provided that documents, programs, and instructions conform to the standards established at N.J.A.C. 5:23-4A.9.

5:23-4D.7 Enforcement

(a) The Department shall enforce the design and manufacture provisions of this subchapter.

(b) The Department shall monitor the activities of the evaluation and inspection agencies for the purpose of ensuring conformance to the provisions of this subchapter and shall take appropriate enforcement actions whenever necessary.

(c) The installation of recreational park trailers shall be the responsibility of the local enforcing agencies established pursuant to the Code. Construction permits shall be required for installation and for the construction of appurtenances.

5:23-4D.8 Appeals: State

(a) Any person, firm or person aggrieved by a notice, order, ruling, decision or action of any evaluation and inspection agency or of the Commissioner may file an appeal.

(b) An application for a hearing must be filed within 20 business days of receipt by the applicant of the notice, order, ruling, decision or action complained of.

(c) The notice of appeal may be filed either in person or by mail and shall be addressed to the Hearing Coordinator, Division of Codes and Standards, PO Box 802, Trenton, NJ 08625.

(d) The application shall be in writing and shall set forth the rule under which the appeal is being brought and the facts and circumstances of the case.

(e) The application shall include, where appropriate, the following information and documentation:

1. A copy of the notice, order, ruling, decision or action that is the subject of the appeal;
2. A copy of the building system, compliance assurance program or other document involved;
3. A description of the recreational park trailer(s) affected;
4. A statement of the relief sought by the appellant; and
5. In the event of an appeal from an action or decision of an evaluation and inspection agency, the application shall contain a copy or, if that is unavailable, a written

statement, of the prior decision or other action of the agency being appealed.

(f) Conduct of hearings: Hearings in contested cases shall be conducted by the Office of Administrative Law pursuant to 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.

5:23-4D.9 Appeals: Local

Any person, firm or person aggrieved by a notice, order, ruling, decision of a local enforcing agency shall file an appeal in accordance with N.J.A.C. 5:23-23A.

SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS

5:23-5.1 Title; scope; intent

(a) This subchapter of the regulations adopted pursuant to authority of the Uniform Construction Code Act, entitled "Licensing of Code Enforcement Officials", shall be known and may be cited throughout the regulations as subchapter 5, and when referred to in this part of the regulations may be cited as "this subchapter."

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

(c) This subchapter shall control all matters relating to qualifications for and licensing of all subcode enforcement officials engaged in or to be engaged in the administration and enforcement of the New Jersey Uniform Construction Code, including types of licensed code enforcement officials; procedures for application, issuance, denial and revocation of licenses; the approval of testing and/or educational programs offered to meet the requirements for licensing of code enforcement officials or construction board of appeal members; application fees for a license; and enforcement of penalties for violations of this subchapter. Additional provisions regarding the licensing of elevator subcode officials are contained in N.J.A.C. 5:23-12.

(d) The Uniform Construction Code has been adopted to ensure public safety, health, and welfare insofar as they are affected by building construction. In order for the code to be enforced adequately and effectively, code officials will need to have sufficient knowledge and competence to administer and interpret the code's standards. This can best be achieved through the creation of an education and training program and the development of licensing requirements.

1. It is the purpose of this subchapter to establish standards and procedures for the licensing of Uniform Construction Code enforcement officials, and to require all

(j) Asbestos hazard abatement projects and lead hazard abatement projects shall not be categorized as reconstruction projects in and of themselves despite the fact that occupancy of the work area is not permitted. However, all related construction work undertaken in connection with such projects and all replacement materials used shall comply with the applicable provisions of this subcode.

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

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

Inserted (b)2i.

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (g)2 and 3, updated N.J.A.C. references.

Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

In (c)4, substituted "Section 3409.6 of the International Building Code, 2000 edition" for "Section 3408.6 of the BOCA National Building Code, 1996 edition"; in (e)2, substituted "R-5" for "R-4".

Amended by R.2004 d.145, effective April 5, 2004.

See: 35 N.J.R. 5190(a), 36 N.J.R. 1758(a).

Deleted references to use preceding references to group throughout and added (g)1i.

Amended by R.2007 d.122, effective May 7, 2007.

See: 38 N.J.R. 4951(a), 39 N.J.R. 1673(a).

In (c)4, substituted "3410.6" for "3409.6" and "2006" for "2000"; and in (g)6, substituted "2006" for "1992-93".

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

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

In (c)4, substituted "Sections 3412.5 through 3412.9 of the building subcode" for "Section 3410.6 of the International Building Code, 2006 edition"; and in (g)6, substituted " 'Guidelines for Design and Construction of Health Care Facilities,' " for " 'Guidelines for Construction and Equipment of Hospital and Medical Facilities,' 2006 edition or " and "Facilities Guidelines Institute" for "American Institute of Architects Committee on Architecture for Health".

5:23-6.3 Definitions

The words and terms used in this subcode shall have the following meanings unless the context clearly indicates otherwise. Any term not defined herein which is defined in any of the other subcodes of the Uniform Construction Code shall have the meaning as defined in that subcode. Where a term is defined in this subcode and is also defined in another subcode, then the term shall have the meaning as defined herein wherever it is used in this subcode.

"Addition" means an increase in the footprint area of a building or an increase in the average height of the highest roof surface or the number of stories of a building.

"Alteration" means the rearrangement of any space by the construction of walls or partitions or by a change in ceiling height, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional equipment or fixtures and any work which reduces the loadbearing capacity of or which imposes additional loads on a primary structural component.

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

"Commercial energy code" means the American Society of Heating, Refrigeration and Air Conditioning Engineers

(ASHRAE) standard 90.1 adopted at N.J.A.C. 5:23-3.18 and applicable to all buildings other than residential buildings as defined at "residential energy code."

"Dormitory" means a building, or portion thereof, containing rooms which are provided as residences or for overnight sleeping for individuals or groups, and includes those residences utilized by fraternities or sororities which are recognized by or owned by a school or institution of higher education, but does not include those residences or multiple dwellings utilized by students which are not recognized by or owned by a school or institution of higher education. "Dormitory" is not to include a building used primarily to house faculty or a multiple dwelling in which occupancy of each dwelling unit is limited to persons who are members of a single family group.

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

"Group" means the group classification of the building subcode.

"Load bearing element" means any column, beam, joist, girder, wall, floor or roof sheathing which supports any load in addition to its own weight.

"New building element" means any one of the elements listed in N.J.A.C. 5:23-6.9 that did not exist previously.

"Nursing home" means a building used for nursing or custodial care on a 24-hour basis for more than five persons where evacuation is impractical (a group that, even with staff assistance, cannot reliably move to a point of safety in a timely manner) as defined in Section 22-1.3 of NFPA 101-97. This shall include intermediate care facilities, skilled nursing facilities and long term care facilities.

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

"Primary structural component" means any component of the primary load bearing structure of a building including footings, piles, foundations, columns, girders, beams, joists, wind or seismic bracing but not including, for the purposes of this subcode, sheathing or subflooring.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occu-

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

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

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

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

“Residential energy code” means the International Energy Conservation Code adopted at N.J.A.C. 5:23-3.18 and applicable to residential buildings as defined as R-3 and R-5 buildings, as well as R-2 and R-4 buildings three stories or less in height above grade.

“System” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building including any equipment, fixtures, connections, conduits, wires, pipes, ducts, as well as any associated sensors, controls, distribution or safety elements.

“Technically infeasible” means, in connection with accessibility requirements, a change that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a loadbearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

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

“UFC fire barrier” means a continuous membrane, either vertical or horizontal, such as a wall or floor assembly, that is designed and constructed with a specified fire resistance rating and located to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings when a specific fire resistive rating is indicated by this subcode.

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

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

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

Amended “Addition”.

Amended by R.2004 d.145, effective April 5, 2004.

See: 35 N.J.R. 5190(a), 36 N.J.R. 1758(a).

Added “Dormitory”, “Group” and “UFC fire barrier”; in “Use”, deleted “use” preceding “group”; deleted “Use Group”.

Administrative correction.

See: 36 N.J.R. 2490(b).

Amended by R.2007 d.2, effective January 2, 2007.

See: 38 N.J.R. 3377(a), 39 N.J.R. 28(b).

Added definition “Nursing home”.

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

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

Added definitions “Commercial energy code” and “Residential energy code”.

5:23-6.3A Flood-resistant construction

(a) For buildings in designated flood hazard areas, any work that constitutes a substantial improvement or repair of substantial damage of the existing building, as determined by the local floodplain administrator, shall comply with the applicable flood-resistant construction requirements below. As defined in the National Flood Insurance Program rules, 44 CFR 59.1, “‘substantial improvement’ means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the ‘start of construction’ of the improvement. This term includes structures which have incurred ‘substantial damage,’ regardless of the actual repair work performed.” As defined in these Federal rules, “‘substantial damage’ means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”

1. Group R-5 buildings: Sections R301.2.4, R322, R406.1.2.1, R408.7, M1301.1.1, M1401.5, M1601.4.9, M1701.2, M2001.4, M2201.6, and G2404.7 of the one- and two-family dwelling subcode.

2. All other buildings:

i. Building subcode: Sections 801.5, 1203.3.2, Exception 5, 1403.5, 1403.6, 1603.1.7, 1605.2.2, 1605.3.1.2, 1612, 1804.4, and 1805.1.2.1.

ii. Mechanical subcode: Sections 301.13, 401.4, 501.2, 602.4, 603.13, 1206.9.1, and 1305.2.1.

iii. Fuel gas subcode: Section 301.11.

New Rule, R.2014 d.117, effective July 21, 2014.

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

5:23-6.4 Repairs

(a) Repairs, as defined in N.J.A.C. 5:23-6.3, shall comply with the requirements of this section. There is no limit to the amount of repair work which may be undertaken.

1. The following work shall be considered renovation, alteration, or reconstruction, as appropriate, and not repair work:

i. The cutting away of any wall, partition, or portion thereof;

ii. The permanent, partial or complete removal of any primary structural component;

iii. The removal or rearrangement of any part of a required means of egress; and

iv. Addition to, alteration or relocation of:

(1) Any fire protection system piping;

(2) Water supply, sewer, drainage, gas, oil, waste, vent, or similar piping;

(3) Electrical wiring, other than wiring for a low voltage communication system in a one or two family dwelling;

(4) Mechanical system components such as duct-work; or

(5) Elevator devices.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation

See: 35 N.J.R. 2421(a), 35 N.J.R. 5543(a).

In (a), rewrote 2vii, rewrote the first sentence in 2x, and substituted references to maintenance for references to repair throughout.

Amended by R.2004 d.60, effective February 2, 2004.

See: 35 N.J.R. 4000(a), 36 N.J.R. 649(b).

Added (a)4iv.

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

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

Recodified to N.J.A.C. 5:23-2.7(c). Section was "Interpretation: Ordinary maintenance".

New Rule, R.2007 d.47, effective February 5, 2007.

See: 38 N.J.R. 3710(a), 39 N.J.R. 376(a).

Administrative correction.

See: 39 N.J.R. 1249(b).

Amended by R.2008 d.213, effective August 4, 2008.

See: 39 N.J.R. 2411(a), 40 N.J.R. 4523(b).

In (a)3 and (d), updated the N.J.A.C. references; and in (d), deleted "UCC bulletin 93-6" following the N.J.A.C. reference.

5:23-9.4 (Reserved)

New Rule, R.1990 d.490, effective October 1, 1990.

See: 22 N.J.R. 592(a), 22 N.J.R. 3148(a).

Repealed by R.1995 d.121, effective March 6, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4875(a), 27 N.J.R. 894(c).

Formerly "Seismic Zones".

5:23-9.5 (Reserved)

Repealed by R.2006 d.24, effective January 17, 2006.

See: 37 N.J.R. 2111(a), 38 N.J.R. 485(a).

Section was "Interpretation: Records retention."

5:23-9.6 Interpretations: Construction requirements for new and existing casinos

(a) Fixed central pedestal seating (stools) shall be allowed within major aisles and cross-aisles in casinos for gaming patrons who use standard size slot machines or other similar machines, within these aisles, provided the following requirements have been met:

1. Schematic drawings which indicate the dimensions and locations of the stools, and the distances from adjacent fixtures, walls or other objects shall be submitted to the Department for review and release;

2. Stool placement shall not result in any reduction of the required aisle accessway width when measured from the stool and any other adjacent obstacle, including, without limitation, other stools in back-to-back seating arrangements; and

3. Stools that swivel and have a back rest shall be self-centering.

(b) The following code requirements shall apply to gaming floors:

1. The use group of the gaming floor area shall be A-2.

2. Each gaming floor area shall be designed using an open landscape plan such that there is clear visibility throughout the floor and at least two of the exits are clearly discernible from all portions of the floor. Line of sight

obstructions shall be limited and shall be subject to the approval of the Department.

3. An egress study shall be provided for each new egress route and for all modifications to an existing egress route, increases in occupant load or change of egress elements for gaming floor areas.

- i. The occupant load shall be calculated at 11 square feet gross per person for all gaming floor areas, regardless of the gaming activity.

- ii. The total capacity of the means of egress shall be calculated based on 116 2/3 percent of the calculated occupant load of any floor area containing gaming activities and any adjacent spaces using the gaming floor for exit access.

- iii. Travel distances shall be delineated on the egress study and shall be measured from each and every occupiable point on the gaming floor to the closest exit. The travel distance shall be measured along the natural path of travel using a distance of one foot from obstructions, corners and walls and using the center of door openings.

- iv. Each egress route shall identify the travel distance, number of occupants and size and type of egress elements.

4. Areas that are back-of-house to the gaming floor where security is necessary shall be permitted to apply the following special locking arrangements: Doors in means of egress serving rooms or spaces required by the Division of Gaming Enforcement to be controlled for security reasons shall be permitted to be locked if equipped with egress control devices which shall unlock manually and by any of the following means:

- i. Actuation of an automatic fire suppression system on any casino floor or back-of-house zone;

- ii. Actuation of a manual alarm station contained within the secured area;

- iii. A signal from a fire command center; or

- iv. Loss of power to the egress control device.

5. Gaming equipment, change banks, monitor cabinets, and other obstructions located on the gaming floor shall not exceed 75 inches in height except as provided in this paragraph:

- i. Equipment and obstructions located at or within 27 feet of perimeter walls surrounding the casino floor and walls with a minimum height of 75 inches throughout the casino floor, measured perpendicular to the wall, may be of unrestricted height;

- ii. Equipment and obstructions located at columns, but not extending more than 14 feet in any direction around the column, including the column itself, may be of unrestricted height;

iii. Equipment and obstructions located so that they do not obstruct visibility throughout the gaming floor, the visibility of at least two exits, or the operation of fire protection systems, may be of such height as is consistent with such visibility and operation; and

iv. Slot machines and similar gaming equipment may be 85 inches in height at any location on the casino floor provided all of the following conditions are met throughout the casino floor(s):

(1) An exit catchment area shall be provided immediately in front of the means of egress having the largest egress capacity and each other means of egress, ranked from the largest to smallest in terms of egress capacity, until such areas are provided in front of means of egress comprising 50 percent of the required egress capacity. Each catchment area shall be a rectangle with the full width of the means of egress component and twice the depth. Gaming equipment and other obstructions within the catchment area shall require Department approval;

(2) All exit signs that are provided on the casino floor shall have a minimum letter height of 10 inches and a minimum letter stroke of two inches with approved distinguishable colors; and

(3) Prior to the installation of the 85-inch high machines, when directed by the Department, the permit applicant and the Department shall perform a means of egress and exit visibility survey and the permit applicant shall install additional signage if deemed necessary, or other means found necessary to ensure the discernability of two exits.

6. Signage installed on the gaming floor shall comply with the following:

i. All signage shall be listed, labeled, approved and identified by an approved testing laboratory;

ii. Each sign shall be attached to a wall, post or ceiling. A post-mounted sign above slot machines shall be fastened to, and supported by, the slot machine base;

iii. A sign containing moving sections or ornaments shall be equipped with fail-safe provisions to prevent the sign from releasing and falling or from shifting its center of gravity more than 15 inches. The fail-safe device shall be in addition to the mechanism and mechanism housing that operate the movable section. The fail-safe device shall be capable of supporting the full dead weight of the sign when the moving mechanism releases; and

iv. A sign shall not obstruct visibility throughout the gaming floor, the visibility of exit signage or the operation of fire protection systems.

7. Monitor cabinets, change banks, fillers, slot machine bases, and similar items shall be constructed of non-combustible or fire retardant treated material.

8. All illuminated signs, amplification systems, turntables, video displays, or sound-producing equipment located on or open and adjacent to the casino floor(s) shall be interlocked with the fire alarm system so that activation of the fire alarm system results in disconnection of electrical power or signal to the device(s).

i. This requirement does not apply to exit signs or emergency communications systems.

ii. This requirement shall not apply to slot machines or similar gaming equipment.

iii. This requirement shall not apply to video displays that are an integral part of a gaming machine.

9. On casino gaming floors and adjacent spaces open to the casino gaming floor, all house lighting shall return to normal lighting levels or all emergency lights shall be activated upon activation of the fire alarm system. For the purpose of applying this requirement, normal lighting level shall mean an illumination level of not less than one foot-candle (11 lux) at the floor level.

(c) All casino hotel standpipe connections throughout the building shall be identified by a constantly lit four-inch round blue light connected to an emergency electrical system located no less than 24 inches and not more than 48 inches above the hose connection. Standpipe connections located on columns shall be marked on all four sides of the column as described above.

1. This requirement shall not apply to standpipe hose connections in buildings or portions thereof of Group R-1 that are located in or within 10 feet of an approved exit stairway enclosure.

2. This requirement shall not apply to standpipe hose connections located in open parking structures.

(d) The following precautions shall be taken during construction in any portion of an occupied casino hotel:

1. Except for changes to gaming tables, slot bases or signage, temporary construction partitions shall be required when construction is undertaken in an area with public access or in an area where the automatic sprinkler system will be inoperable.

i. A fire partition with a fire resistance rating of one hour shall be required for projects with automatic sprinkler protection. Fire partitions shall be constructed of noncombustible materials as defined in the building subcode and shall be continuous from the top of the floor to the underside of the ceiling above and shall be securely attached thereto. Opening protectives shall be rated for ¾ hour.