

(2) "When the existing adjoining building is of greater height than the new building, the owner of the structure of greater height may, with consent of the owner of the new structure, extend all new soil, waste or vent stacks which are located within 20 feet of the common lot line to a level above the higher existing roof";

iii. Section 3310.3 is amended to replace the term "code official" on lines 1 and 4 with the term "construction official".

19. The following amendment is made to Chapter 34 entitled "Existing Structures":

i. Chapter 34 is deleted with the exception of section 3406.0, which is amended to replace the term "code official" with the term "construction official";

20. The following amendments are made to Chapter 35 of the building subcode, entitled "Referenced Standards":

i. Delete the entire subheading "ASHRAE" and all titles under this subheading;

ii. Under the subheading "BOCA," delete the following titles:

- (1) National Property Maintenance Code;
- (2) National Mechanical Code;
- (3) National Plumbing Code;
- (4) National Private Sewage Disposal Code.

iii. Under the subheading "CABO," delete the following titles:

- (1) Model Energy Code.

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. 132(a), 15 N.J.R. 141(c).
Added (a)2 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).
This section was substantially amended.
Amended by R.1985 d.154, effective April 1, 1985 (operative July 1, 1985).
See: 17 N.J.R. 239(a), 17 N.J.R. 810(a).
(a)2 added; subsection (c) added.
Correction: N.J.A.C. 5:23-3.14(c)5 was incorrect in adoption.
See: 17 N.J.R. 1409(a).
Amended by R.1985 d.324, effective July 1, 1985.
See: 17 N.J.R. 861(c), 17 N.J.R. 1646(a).
(b)3i: amended text.
Amended by R.1986 d.380, effective September 22, 1986.
See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a).
Substantially amended.
Amended by R.1987 d.374, effective September 21, 1987.
See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
Model subcode revisions.
Amended by R.1988 d.270, effective June 20, 1988.
See: 20 N.J.R. 575(a), 20 N.J.R. 1344(a).
Added (a)3 and (c).
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 (c)2ii, 4, 5 and 7.
Amended by R.1990 d.325, effective July 2, 1990.
See: 21 N.J.R. 1654(a), 22 N.J.R. 2001(a).
Text added at (b)5xii(1) to conform to Fire Code.
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.1990 d.558, effective November 19, 1990.
See: 22 N.J.R. 1969(b), 22 N.J.R. 3483(a).
Conditional exemption for hoopouses or polyhouses added.
Amended by R.1991 d.325, effective July 1, 1991.
See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).
Article 26 amended at (b)14.
Amended by R.1991 d.429, effective August 19, 1991.
See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).
In (a), added 3. Added (c).
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 (b)10v through viii.
Amended by R.1993 d.662, effective December 20, 1993.
See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).
Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
Amended by R.1995 d.477, effective September 5, 1995.
See: 27 N.J.R. 1717(a), 27 N.J.R. 3328(a).
Added (b)2v.

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, the Commissioner hereby adopts the Model Code of the National Association of Plumbing-Heating-Cooling Contractors, known as "The National Standard Plumbing Code/1993", including all subsequent revisions and amendments thereto, as the plumbing subcode for New Jersey.

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

2. "The National Standard Plumbing Code/1993", including all subsequent revisions and amendments thereto, may be known and cited as "the plumbing subcode."

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

1. Page v: Delete the note referring to local changes under the heading Introductory Note.

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

3. Chapter 1 of the plumbing subcode, entitled "Definitions," is amended as follows:

i. The definition of the term "administrative authority" is deleted in its entirety, and substitute in lieu thereof the following language, "Unless otherwise de-

fined herein, or unless the context clearly indicates otherwise, the term "administrative authority" for purposes of the plumbing subcode, shall mean the "plumbing subcode official."

ii. The definition of the term "approved" is amended to add after the word "authority" on line 3, the words "as defined in N.J.A.C. 5:23-3.7."

iii. 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.

iv. The definition of the term "building classification" is amended to delete the term "administrative authority" and substitute in lieu thereof, the term "building subcode official."

v. The term "code" is deleted in its entirety.

vi. The term "family" is deleted in its entirety.

vii. The definition of and the term "nuisance" are deleted.

4. Chapter 2 of the plumbing subcode, entitled "General Regulations," is amended as follows:

i. Section 2.4.1 is amended to delete the sentence "The provisions of this paragraph may be waived by the administrative authority."

ii. Section 2.4.3 is amended to delete the phrase "or is approved by the administrative authority as having a desirable and acceptable function and is of ultimate benefit to the proper and continuing functioning of the plumbing system."

iii. Section 2.5 is deleted in its entirety.

iv. Section 2.6.4 is amended to insert the word "applicable" after the word "All" on line 1.

v. Section 2.9.3 is amended to delete the phrase "building code or as required by the proper administrative authority" and substitute in lieu thereof, the term "building subcode."

vi. Section 2.16 is amended to insert the number "Forty-two" in the blank space under item (a), and to insert the number "Twenty-four" in the blank space under item (b). Under item (c), delete the words "section 3.12.1" and substitute in lieu thereof, the words "N.J.A.C. 5:23-2.9."

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

viii. 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 and Energy."

ix. Section 2.25.1(h) is amended to add at the end, the words "which does not otherwise adversely affect health and safety."

5. Chapter 3 of the plumbing subcode, entitled "Materials," is amended as follows:

i. Section 3.1.1 is amended in the heading to delete the word "minimum" and under items (a) and (b) to delete the words "Section 3.12.2" at the end and substitute in lieu thereof, the words "N.J.A.C. 5:23-3.7."

ii. Section 3.1.2 is amended to delete the words "at least" on line 2. Also deleted the words "section 3.12" at the end and substituted in lieu thereof, the words "N.J.A.C. 5:23-3.7."

iii. Section 3.1.3 is amended to delete the words "Section 3.12.2" on line 4 and in lieu thereof, substituted the words "N.J.A.C. 5:23-3.7."

iv. Section 3.3.11 entitled "septic tank" is deleted in its entirety.

v. Section 3.11.1 is amended to delete the phrase "approved by the Administrative authority".

vi. Section 3.11.2 is amended to delete the phrase "except as may be otherwise authorized by the administrative authority".

vii. Sections 3.12.1, 3.12.2, 3.12.3, 3.12.4, and 3.12.5 are deleted in their entirety.

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

i. Section 4.2.17 is amended to delete the phrase "or by the administrative authority".

ii. Section 4.3.8a is amended to delete the word "acceptable" on line 2 and in lieu thereof, substitute "approved".

7. Chapter 5 of the plumbing subcode entitled "Traps and Cleanouts" is amended as follows:

i. Section 5.3.2 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "administrative authority" on line 3.

ii. Section 5.3.4 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "administrative authority" on line 2.

8. Chapter 6 of the plumbing subcode, entitled "Interceptors," is amended as follows:

i. Section 6.1.1 is amended to delete the phrase "in the opinion of the administrative authority" on line 2 and to add after line 5 the sentence "The determination of necessity shall be made by the administrative authority in accordance with N.J.A.C. 5:23-3.3."

ii. Section 6.3.2b is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the word "required" on line 4.

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

9. Chapter 7 of the plumbing subcode, entitled "Plumbing Fixtures," is amended as follows:

i. Section 7.2.1 is amended to read "Water closets either flush tank, flushometer tank or flushometer valve operated shall be designed, manufactured and installed to be operable and adequately flushed with an average of 1.6 gallons or less of water per flushing cycle, when tested at any one test pressure in accordance with listed standards. Only pressurized (not gravity flow) water closets are acceptable for commercial uses. Commercial uses are A, E, B and M uses with an occupancy with more than two water closets connected to the building sewer."

(1) Exception: Installation of water closets bearing a manufacturer's date stamp indicating a date of manufacture prior to July 1, 1991 and requiring an amount in excess of 1.6 gallons per flush shall be permitted.

ii. Section 7.2.2 is amended to insert the number "1" in the blank provided.

iii. Section 7.2.3.1 is amended to insert the number "2.2" in the blank provided.

iv. Section 7.2.3.2 is amended to insert the number ".25" in the blank provided.

v. Section 7.2.4 is amended to insert the number "2.2" in the blank provided.

vi. Section 7.2.5 is amended to insert the number "2.5" in the blank provided.

vii. Section 7.16.1 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.7" after the words "administrative authority" on line 6.

viii. Section 7.23.2 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "administrative authority" on line 2.

ix. Section 7.25 is amended to delete the words "local Administrative Authority" on line 2 and in lieu thereof, substitute the words "Barrier Free Subcode".

x. Note to Tables 7.24.1A, 7.24.1B, 7.24.1C, 7.24.1D and 7.24.1E is amended to delete the words "for handicap requirements see local, state, or national codes" in the second sentence.

xi. Figure 7.4.5 on page 7-3 is amended to delete the word "Code" and substitute in lieu thereof "Subcode" in the block at bottom.

10. Chapter 9 of the plumbing subcode, entitled "Indirect Waste Piping and Special Waste," is amended as follows:

i. Section 9.1.6 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "administrative authority" on line 4.

ii. Section 9.3.2 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "administrative authority" on lines 3 and 4.

iii. Section 9.7.2 is amended to delete the phrase "submitted to, and accepted by," on line 7 and in lieu thereof, substitute the phrase "approved in accordance with N.J.A.C. 5:23-3.3."

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

i. Section 10.2 is amended to add the words "in accordance with N.J.A.C. 5:23-3.3" after the words "Administrative Authority" on line 4.

ii. Section 10.4.2 is amended to delete the words "administrative authority" and in lieu thereof, substitute "authority having jurisdiction".

iii. Section 10.4.4 is amended to delete the words "administrative authority" and in lieu thereof, substitute "authority having jurisdiction".

iv. Section 10.4.9 is amended to delete the words "administrative authority" and in lieu thereof, substitute "authority having jurisdiction".

v. Section 10.5.4 is amended to delete the words "administrative authority" and in lieu thereof, substitute "authority having jurisdiction".

vi. Section 10.5.6b is amended to delete the phrase "by the local administrative authority" and in lieu thereof, insert "in N.J.A.C. 5:23-2.23".

vii. Section 10.8.1 is amended to add the phrase "as required by the authority having jurisdiction" after the word "practice" on line 4.

viii. Section 10.16.2 is amended to delete the phrase "when required by the administrative authority" on line 2.

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

i. Section 11.3.1 is amended to delete the words "administrative authority" and substitute in lieu thereof, the words "authority having jurisdiction" on line 5.

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

iii. Section 11.7.1a is amended to delete the words "administrative authority" on line 4 and in lieu thereof, substitute the words "authority having jurisdiction".

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

i. Section 12.2.2 is amended to delete the words "administrative authority" and in lieu thereof, substitute the words "authority having jurisdiction" on line 3.

ii. Section 12.4.5 is amended to delete the phrase "when approved by the administrative authority".

iii. Section 12.5 is amended to delete the phrase "a fitting acceptable to the administrative authority", and in lieu thereof substitute "an approved fitting".

14. Chapter 13 of the plumbing subcode, entitled "Storm Drains," is amended as follows:

i. Section 13.1.5a is amended to read "subsoil drains shall be provided in accordance with the building subcode".

ii. Section 13.9.1 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the word "authority" on line 5.

15. Chapter 14 of the plumbing subcode, entitled "Medical Care Facility Plumbing Equipment," is amended as follows:

i. Section 14.25.2 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "administrative authority" on line 4.

16. Except as otherwise indicated in (b)16i below, sections 16.1 through 16.12.1.13 of chapter 16 of the plumbing subcode, entitled "Regulations governing individual sewage disposal systems for homes and other establishments where public sewer systems are not available" are deleted in their entirety.

i. Section 16.1.7 is retained and amended to read as follows: "When a sewage disposal system is being abandoned and a connection is being made to the public sewer system, the plumbing subcode official shall ensure that the abandoned septic system is disconnected from the building, pumped out and filled with gravel, stones or soil material."

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

17. Chapter 17 of the plumbing subcode, entitled "Potable water supply system" and comprising sections 17.1 through 17.15.2 is deleted in its entirety.

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

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

i. Whenever the term "trailer", "trailer coach", "trailer park", and so forth, is used in this subcode, it shall have the same meaning as "mobile home", "mobile home park", and so forth, as used in the building subcode.

ii. Section 18.2.1 is amended to delete the last sentence beginning "Trailer home park".

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

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

v. Section 18.8.1.2 is deleted.

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

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

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

i. Section E.2.1 is amended to delete the words "local administrative authority" on line 2 and in lieu thereof, substitute "authority having jurisdiction".

ii. Section E.4.2 is amended to delete the term "Administrative Authority" and substitute in lieu thereof "Authority Having Jurisdiction."

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).

Case Notes

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

5:23-3.16 Electrical subcode

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

1. Pursuant to authority of P.L. 1975, c.217, the Commissioner hereby adopts the Model Code of the National Fire Protection Association known as "the National Electrical Code/1993," including all subsequent revisions and amendments thereto, as the electrical subcode for New Jersey.

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

2. The National Electrical Code/1993, including all subsequent revisions and amendments thereto, may be known and cited as "the electrical subcode."

(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 90-2(b)(5) is amended to delete the term "(FPN):" in the seventh line and add the words "the installation of utilization equipment and its associated wiring on private property (see section 90-2(a)(1) for installations covered) and" after the words "this Code cover" in the tenth line.

ii. Section 90-4, Enforcement, is amended to delete in the first paragraph the phrase, "authority having jurisdiction of 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."

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 "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 and 3.8."

ii. Amend to include the following definition: "Authority having jurisdiction: 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".

iv. The definition of the term "garage" is amended to add the sentence, "The term cutoff is intended to refer to the appropriate fire separation as required by the building subcode."

3. 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 wording from "so that the edge ..." on line three through "... cannot be maintained" on line five and in lieu thereof substitute "as required by the building subcode where the distance between the edge of the hole to the nearest edge of the wood member is less than 1/4 inches (31.8 mm)."

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

i. Exception to the section 500-3(a)(4), section 514-5(b) and section 514-5(c) are amended to delete the phrase "authority having jurisdiction" and substitute in lieu thereof the phrase "fire protection subcode officials."

ii. Part B of Article 550, entitled "Mobile Homes," comprising sections 550-5 through 550-15 is deleted in its entirety with the exception of section 550-5 which shall be retained.

(1) Exception—Part B is retained in its entirety in the case of mobile homes undergoing repair or alteration work.

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

(1) Section 551-1 is amended to delete the phrase "within or on recreational vehicles" on line 2.

(2) Parts B, C, D, E and F, comprising sections 551-10 through 551-60, are deleted in their entirety,

with the exception of Figure 551-46(c), which shall be retained.

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).

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 subcode adopted are as follows:

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

i. BOCA National Building Code/1993 of the Building Officials and Code Administrators International Inc. (N.J.A.C. 5:23-3.14):

- (1) Chapter 4—Special Use and Occupancy;
- (2) Chapter 7—Fire resistant Materials and Construction;
- (3) Chapter 8—Interior Finishes;
- (4) Chapter 9—Fire Protection Systems;
- (5) Chapter 10—Means of Egress;
- (6) Sections 1506.0 and 1511.0 of Chapter 15—Roofs and Roof Structures;
- (7) Section 2114.0 of Chapter 21—Masonry;
- (8) Sections 2603.0 through 2605.0 of Chapter 26—Plastic;
- (9) Section 3106.0 of Chapter 31—Special Construction;
- (10) Section 3305.0 of Chapter 33—Site Work, Demolition and Construction;
- (11) Section 3406.0 of Chapter 34—Existing Structures.

ii. National Electrical Code/1993 of the National Fire Protection Association (N.J.A.C. 5:23-3.16).

(1) Article 300-21 of chapter 3—Wiring Methods and Materials;

(2) Article 450, Part C—Transformer Vaults of Chapter 4—Equipment for General Use;

(3) Chapter 5—Special Occupancies;

(4) Article 760 of chapter 7—Special conditions;

iii. BOCA National Mechanical Code/1993 of the Building Officials and Code Administrators International Inc. (N.J.A.C. 5:23-3.20):

(1) Chapter 4—Mechanical Equipment;

(2) Chapter 5—Kitchen Exhaust Equipment;

(3) Chapter 9—Flammable and Combustible Liquid Storage and Piping Systems;

(4) Chapter 10—Combustion Air;

(5) Chapter 12—Chimneys and Vents;

(6) Chapter 14—Fireplaces, Solid Fuel-Burning and Gas Accessory Appliances.

2. The model code portions listed above, including (where appropriate) all subsequent revisions and amendments thereto, may be known and cited as "the fire protection subcode".

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

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

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

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

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

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

Section substantially amended.

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

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

Substantially amended.

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

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

Model subcode revisions.

Amended by R.1990 d.253, effective May 21, 1990.

See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).

Reference to 1989 Supplement added; (a)1i(7) amended.

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

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

Text conformed to BOCA National Code/1990.

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

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

Case Notes

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