

Administrative correction.

See: 35 N.J.R. 2864(b).

Amended by R.2003 d.351, effective September 2, 2003.

See: 35 N.J.R. 1177(a), 35 N.J.R. 4051(a).

In (b)9, added xi; recodified existing xi to xiii as xii to xiv.

Amended by R.2003 d.420, effective November 3, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 5073(a).

Rewrote (b).

Administrative correction.

See: 36 N.J.R. 3525(c).

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

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

In (b)5, added ii.

Amended by R.2005 d.4, effective January 3, 2005.

See: 36 N.J.R. 4049(a), 37 N.J.R. 47(a).

In (b)19, added new iv and recodified former iv and v as v and vi.

Administrative correction.

See: 37 N.J.R. 502(b), 674(a).

#### Case Notes

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

### 5:23-3.15 Plumbing subcode

(a) Rules concerning subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the Model Code of the National Association of Plumbing Heating-Cooling Contractors, known as "The National Standards Plumbing Code/2003," 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/2003," including appendices, 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. 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," is 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 term and definition of "nuisance" are deleted.

ix. 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," is 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. Section 2.12 is amended to delete subparagraph e.

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

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

vi. 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."

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

4. Chapter 3 of the plumbing subcode, entitled "Materials," is 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 3.13 delete “Section 3.12.2” and insert “N.J.A.C. 5:23-3.7.”

iv. Section 3.3.8a is amended to add the following phrase: “Pressure vessels shall be designed and constructed in accordance with the requirements of American Society of Mechanical Engineers, (ASME), Rules for Construction of Pressure Vessels, Section VIII/1998. Any pressure vessel that exceeds any of the following, shall meet the requirements of ASME and shall be stamped ASME: A heat input rating of 200,000 BTU per hour; or a water temperature of 200 degrees Fahrenheit; or a nominal water capacity of 120 gallons or any other thresholds of ASME that apply.”

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

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

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

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

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

ix. Sections 3.12.1, 3.12.2, 3.12.3, 3.12.4, and 3.12.5 are deleted in their 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 on the plumbing subcode entitled, “Traps, Cleanouts and Backwater Valves” is amended as follows:

i. In Section 5.3.2, Exception (2), delete “administrative authority” and insert “Authority Having Jurisdiction in accordance with N.J.A.C. 5:23-3.3.”

ii. In Section 5.3.4 delete “administrative authority” and insert “Authority Having Jurisdiction in accordance with N.J.A.C. 5:23-3.3.”

7. Chapter 6 of the plumbing subcode, entitled “Liquid Waste Treatment Equipment,” is amended as follows:

i. At the end of Section 6.1.1 delete “in the opinion of the administrative authority” and add the following: “The determination of necessity shall be made by the plumbing subcode official in accordance with N.J.A.C. 5:23-3.3.”

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

8. Chapter 7 of the plumbing subcode, entitled “Plumbing Fixtures, Fixture Fittings and Plumbing Appliances” is amended as follows:

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

ii. In Section 7.4.4, Exception (2) shall be deleted and the following text shall be inserted: “Accessible water closets shall conform to the requirements of N.J.A.C. 5:23-7 et seq. In facilities intended primarily for use by the water closets, other than those required to be accessible, shall be at least 17 inches high.”

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

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

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

vi. A new section 7.25 is added as follows:

“7.25 Safety Features for Public Swimming Pools.

Public swimming pools shall comply with the following sections of the N.J. Department of Health and Senior Services, Chapter 26 “Public Recreational Bathing,” Subchapter 3.

Swimming Pools. N.J.A.C. 8:26-3.16 Inlets and outlets:

(c)1. All swimming pools shall be equipped with main drain suction outlets in the lowest point of the swimming pool floor. The spacing of the main drain suction outlets shall not be greater than 20 feet on center, nor more than 15 feet from each side wall.

(d) The suction outlets shall be designed to protect against a suction entrapment, evisceration, and/or hair entanglement/entrapment hazard.

2. A minimum of two hydraulically balanced suction outlets equipped with covers shall be provided per swimming pool pump suction line.

- ii. No means of isolating the two suction outlets shall be permitted that will cause one suction fitting to become the sole source of fluid to the pump. The single pipe to a pump suction inlet may be valved off to shut off the flow to the pump.”
9. Chapter 10 of the plumbing subcode, entitled “Water Supply and Distribution,” is amended as follows:
- i. In Section 10.2 after Authority Having Jurisdiction“ insert ”in accordance with N.J.A.C. 5:23-3.3“.
- ii. In Section 10.4.2 delete “with the approval of the Authority Having Jurisdiction” and insert “in accordance with the rules of the New Jersey Department of Environmental Protection at N.J.A.C. 7:10-10”;
- iii. Section 10.4.3 is amended to read: “Potable water supplies shall be protected in accordance with the provisions of this code and where applicable the Safe Drinking Water Regulations (N.J.A.C. 7:10). The requirements of this code shall establish requirements for individual outlet protection. The requirements of the Safe Drinking Water Act shall establish the requirements for containment.”;
- iv. In Section 10.4.4b delete “administrative authority” and insert “Authority Having Jurisdiction in accordance with N.J.A.C. 7:10-10.2(e).”
- v. Section 10.5.6d. is amended to delete the words “and repair” on the first line, and to delete the third sentence.
- vi. In Section 10.8.1 insert “as required by the Authority Having Jurisdiction” after “in accordance with good practice.”
- vii. Section 10.15.1 is amended to add the phrase “Outlet temperature of hot water from lavatory faucets in public facility restrooms (such as those in service stations, airports, train and bus terminals, and conventions halls) shall be provided with a means to limit the maximum temperature to 110°F. as required in ASH-RAE 90.1-1999.”
10. Chapter 11 of the plumbing subcode, entitled “Sanitary Drainage Systems,” is amended as follows:
- i. Section 11.4.3 is amended at the end to add the sentence “Diversity factors shall be established in accordance with N.J.A.C. 5:23-3.3.”
11. Chapter 12 of the plumbing subcode, entitled “Vents and Venting,” is amended as follows:
- i. In Section 12.4.5 delete “when approved by the Authority Having Jurisdiction”.
- ii. Section 12.5 is deleted in its entirety.
- iii. Section 12.8.2 is deleted in its entirety.
12. Chapter 13 of the plumbing subcode, entitled “Storm Water Drainage,” is amended as follows:
- i. Section 13.1.5a through c is amended to read “subsoil drains shall be provided in accordance with the building subcode.”
- ii. Section 13.1.10.1 is amended to delete the last sentence and to substitute in lieu thereof “Rainfall rates shall be based on Appendix A of the 1993 edition of the National Standard Plumbing Code. Appendix A shall be applied so that the applicable rainfall rate for Burlington and Ocean counties and all counties south shall be six inches per hour and for Mercer and Monmouth counties and all counties north, the applicable rainfall rate shall be five inches per hour.”
- iii. Section 13.1.10.2, “Secondary Roof Drainage,” is deleted.
- iv. Section 13.1.10.4, “Equivalent Systems,” is deleted.
- v. In Section 13.9.1 after “Authority Having Jurisdiction” insert “in accordance with N.J.A.C. 5:23-3.3.”
13. Except as otherwise indicated in (b) 14i 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.
14. Chapter 15 of the plumbing subcode, entitled “Tests and Maintenance” is amended as follows:
- i. Add new Section 15.6.1 as follows: 15.6.1 Combination Domestic/Fire Water Service Systems: Piping for combination domestic/fire water services systems shall be pressure tested to not less than 200 psig and shall maintain that pressure without loss for 2 hours.
- ii. Add new Section 15.6.1.1 as follows: 15.6.1.1 Leakage: The following provisions shall apply to buried pipe in all combination domestic/fire water service systems, except for limited sprinkler systems:
- (1) The amount of leakage at the joints shall be no greater than 2 qt/hr (1.89 L/hr) per 100 joints or gaskets, regardless of pipe diameter.
- (2) The amount of leakage in accordance with (1) above shall be permitted to be increased in increments of 1 fluid ounce (30 ml) per inch valve diame-

ter per hour for each metal seated valve that isolates the test section.

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

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

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

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

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

15. Chapter 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 boards of health with respect to individual on-site water supply systems remain in effect.

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

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

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

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

iv. Section 18.8.1.2 is deleted.

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

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

vii. Section 18.9 is deleted.

viii. Section 18.10 is deleted.

17. Appendix A entitled "Sizing Storm Drainage Systems," is deleted in its entirety.

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(d).

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.

#### 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:

5. The following amendments are made to Chapter 7 of the energy subcode titled "Building Design for all Buildings Other than Residential Buildings":

i. Section 702.1 is amended to read "building designs shall meet the requirements of Sections 5.2, 6.2, 7.2, 9.2 and 10.2 in Standard RS-22 listed in Chapter 8."

ii. Section 702.2 is amended to read:

"In addition, building designs shall meet the prescriptive criteria of Sections 5.3, 6.3, 7.3 and 9.3."

The exception is amended to read:

"1. The system performance requirements of Standard RS-22 may be used in the following cases:

1.1 A building design meeting Section 6.1.3 instead of the Section 6.2 and 6.3 prescriptive requirements in Standard RS-22.

1.2 A building meeting Section 5.4 instead of the 5.3 prescriptive requirements in Standard RS-22.

2. A building design meeting the Section 11 building energy cost budget method in Standard RS-22."

6. Chapter 8 titled "Referenced Standards" is amended as follows:

i. RS-22 is amended to read "ASHRAE/IES 90.1—1999 Energy Efficient Design of New Buildings Except Low Rise Residential Buildings ©2000."

Amended by R.1987 d.387, effective October 5, 1987.  
See: 19 N.J.R. 433(b), 19 N.J.R. 1793(a).

Substantially amended.

Amended by R.1988 d.50, effective February 1, 1988.  
See: 19 N.J.R. 1862(b), 20 N.J.R. 268(a).

Added (b)6; renumbered (b)6.-7. as (b)7.-8.

Amended by R.1988 d.417, effective September 6, 1988.  
See: 20 N.J.R. 699(b), 20 N.J.R. 2274(a).

Substantially amended.

Amended by R.1990 d.507, effective October 15, 1990.  
See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).

Text conformed to BOCA National Code/1990.

Amended by R.1991 d.326, effective July 1, 1991.  
See: 23 N.J.R. 804(a), 23 N.J.R. 2044(a).

Section E-502.1 deleted.

Amended by R.1991 d.429, effective August 19, 1991.  
See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).

In (b)5, deleted old and added new i.

Amended by R.1993 d.662, effective December 20, 1993.  
See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).

Amended by R.1995 d.143, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4872(a), 27 N.J.R. 1179(b).

Amended by R.1998 d.332, effective July 6, 1998.

See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).

Rewrote the section.

Amended by R.2001 d.244, effective July 16, 2001 (operative January 16, 2002).

See: 33 N.J.R. 1241(a), 33 N.J.R. 2471(a).

Rewrote the section.

Administrative change.

See: 33 N.J.R. 3310(a).

Administrative correction.  
See: 35 N.J.R. 2494(b).

#### Case Notes

Registered architect retained to sign and seal drawings to comply with permit regulations entitled to approve as prepared or return for compliance modifications (citing Small Dwelling Energy Subcode). Deck House, Inc. v. New Jersey State Board of Architects, 531 F.Supp. 633 (D.N.J.1982).

Departments of Community Affairs and Energy could not amend state energy subcode. New Jersey Builders Ass'n v. Coleman, 227 N.J.Super. 23, 545 A.2d 783 (A.D.1988).

#### 5:23-3.19 Manufactured home subcode

(a) Pursuant to authority of P.L. 1975, c.217, as amended, the Commissioner hereby adopts the Federal Manufactured Home Construction and Safety Standards, as set forth in Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, as the manufactured home subcode for New Jersey.

1. Copies of the volume of the Code of Federal Regulations containing Part 3280 of Title 24 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20420.

2. Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, may be known and cited as the manufactured home subcode.

(b) The following sections of Subpart A of Part 3280 are deemed to be administrative in nature and are therefore excluded from the manufactured home subcode:

1. Section 3280.1, entitled "Scope";
2. Section 3280.5, entitled "Data plate";
3. Section 3280.6, entitled "Serial number";
4. Section 3280.7, entitled "Modular homes"; and
5. Section 3280.8, entitled "Certification label".

(c) Any manufactured home construction or safety issue not covered under the manufactured home subcode which is, however, covered under another subcode adopted pursuant to this subchapter shall be determined in accordance with such other subcode.

(d) The adoption of a manufactured home subcode shall not be construed as in any way limiting the power or duty of the Department of Community Affairs to enforce and comply with all applicable provisions of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and the regulations promulgated pursuant thereto, including all subsequent revisions and amendments thereto, when authorized to do so by the Secretary of the United States Department of Housing and Urban Development.

Amended by R.1982 d.7, eff. February 1, 1982.

See: 13 N.J.R. 171(a), 14 N.J.R. 142(a).  
This section was recodified from 5:23-3.9.

### 5:23-3.20 Mechanical subcode

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

1. Pursuant to authority of P.L. 1975, c.217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Mechanical Code/2003. This code is hereby adopted by reference as the Mechanical Subcode for the State of New Jersey subject to the modifications in (b) below.

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

ii. The International Mechanical Code/2003 may be known and cited as the "mechanical subcode."

2. Any references to the International Plumbing Code, ICC Electrical Code, the International Energy Conservation Code or the International Existing Building Code listed in Chapter 15 shall be considered a reference to the appropriate adopted plumbing, electrical, or energy subcode in N.J.A.C. 5:23-3 or rehabilitation subcode in N.J.A.C. 5:23-6.

3. Anywhere the term "code" appears, shall be a reference to "subcode" as defined in N.J.A.C. 5:23-1.4 for any of the adopted national model codes as appropriate.

(b) The following chapters, sections or pages of the International Mechanical Code/2003 are amended as follows:

1. Chapter 1 of the mechanical subcode, entitled "Administration," is deleted in its entirety.

2. Chapter 2 of the mechanical subcode, entitled "Definitions," is amended as follows:

i. In Section 201.3 delete "ICC Electrical Code and International Plumbing Code," and insert "electrical subcode and plumbing subcodes."

ii. The definition of the term "alteration" is deleted and substitute the definition found in N.J.A.C. 5:23-1.4.

iii. The definition of the term "approved" is deleted.

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

v. The definition of the term "code" is deleted.

vi. The definition of the term "code official" is deleted, and the following language is substituted: "For the purpose of the mechanical subcode, the term "code official" shall mean the appropriate subcode official as designated in N.J.A.C. 5:23-3.4."

3. Chapter 3 of the mechanical subcode, entitled "General Regulations," is amended as follows:

i. Section 301.1 is amended to delete the words "in accordance with Section 101.2."

ii. Section 301.4 is amended to delete the words "in accordance with Section 105."

iii. Section 301.11 is deleted.

iv. In Section 305.5 delete 1.5 on line 4 and insert 1.0.

v. Section 307.1 is amended to delete "approved plumbing fixture" on line 3 and insert the following: "drywell, sump pump, floor drain, or drainage system below floor."

vi. Section 307.2.1 is amended to add the following after the word "disposal" on line 3: "in accordance with the adopted plumbing subcode."

vii. Section 307.2.2 is deleted.

viii. Section 309 is deleted.

ix. Section 312 is deleted.

4. Chapter 4 of the mechanical subcode, entitled "Ventilation," is amended as follows:

i. Section 403.2 is amended to add the following language: "Exception: Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outside air shall be reduced in accordance with such engineered system design."

5. Chapter 5 of the mechanical subcode, entitled "Exhaust Systems," is amended as follows:

i. Section 503.1 is amended to replace the second sentence with the following: "The type and wiring methods for motors in areas that contain flammable vapors or dusts shall be in accordance with the electrical subcode."

ii. Section 512.1 is amended to add a sentence as follows: "This section shall not apply to radon construction techniques covered by subchapter 10 of the Uniform Construction Code."

iii. 513.11 is amended to replace the third sentence with the following: "Secondary power shall be from a legally required standby power source complying with the electrical subcode." Also, delete the following sentences: "Power distribution from the two sources shall be by independent routes. Transfer to full standby power shall be automatic and within 60 seconds of failure of the primary power."

iv. 513.12.1 is amended to delete the wording in its entirety and substitute the following: "Wiring. All wiring shall be in accordance with the electrical subcode."

6. Chapter 6 of the mechanical subcode, entitled "Duct Systems," is amended as follows:

i. Section 602.2.1 is amended to modify Exception 3 to read: "This section shall not apply to materials exposed within plenums in one-and two-family dwellings. Wire exposed in plenums of one-and two-family dwellings shall conform to the requirements of the electrical subcode."

ii. Section 602.2.1.1 is deleted in its entirety and substitute the following language: "Wiring, cable and raceways installed in a plenum shall be listed and installed in accordance with the electrical subcode."

iii. Section 602.2.1.4 is deleted in its entirety and substitute the following language: "Combustible electrical equipment exposed within a plenum shall be listed and labeled and shall be installed in accordance with the requirements of the electrical subcode."

7. Chapter 9 of the mechanical subcode, entitled "Specific Appliances, Fireplaces and Solid Fuel Burning Equipment," is amended as follows:

i. Section 917.2 is deleted in its entirety.

ii. Section 917.3 is deleted in its entirety.

8. Chapter 10 of the mechanical subcode, entitled "Boilers, Water Heaters and Pressure Vessels," is amended as follows:

i. Section 1001.1 is amended to replace the words "installation, alteration, and repair of boilers," with the words "installation and alteration of boilers."

ii. Section 1003.1 is amended to add the following phase: "Pressure vessels shall be designed and constructed in accordance with the requirements of ASME "Rules for Construction of Pressure Vessels, Section VIII/1998"."

9. Chapter 11 of the mechanical subcode, entitled "Refrigeration," is amended as follows:

i. Section 1102.2.2 is deleted.

ii. Section 1109 is deleted.

10. Chapter 13 of the mechanical subcode, entitled "Fuel Oil Piping And Storage," is amended as follows:

i. Section 1301.2 is amended to add the following sentence: "Where the tank is of a size and type that is subject to the Department of Environmental Protection rules for the installation of Underground Storage Tanks at N.J.A.C. 7:14B, those rules shall apply."

11. Chapter 15 of the mechanical subcode, entitled "Referenced Standards," is amended as follows:

i. Under the heading "ICC," amend the following titles:

(1) Delete "IBC—03, International Building Code" and insert "IBC—00, International Building Code."

(2) Delete "ICC EC—03, ICC Electrical Code."

(3) Delete "IEBC—03, International Existing Building Code."

(4) Delete "IECC—03, International Energy Conservation Code."

(5) Delete "IFC—03, International Fire Code" and insert "IFC—00, International Fire Code."

(6) Delete "IPC—03, International Plumbing Code."

(7) Delete "IRC—03, International Residential Code" and insert "IRC—00, International Residential Code."

12. Appendix A of the mechanical subcode entitled "Combustion Air and Chimney Connector Pass-Throughs" is informative and is not part of the code.

13. Appendix B of the mechanical subcode entitled "Recommended Permit Fee Schedule," is deleted in its entirety.

(c) Single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any guestroom or dwelling unit located in a building of Group I-1, R-1, R-2, R-3, R-4, or R-5, if the building contains a fuel-burning appliance or has an attached garage. An "open parking structure," as defined in the building subcode, shall not be deemed to be an attached garage.

1. Exceptions: Guestrooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The guestroom or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage; the guestroom or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and the building is provided with a common area carbon monoxide alarm system. The individual alarms shall be located in every room adjacent to the room(s) containing a fuel-burning appliance, and in every corridor, hall or lobby adjacent to such room(s) and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to

an alarm monitoring station or shall be interconnected; or

ii. The building is provided with a monitored carbon monoxide alarm system. Individual alarms shall be located in every room containing a fuel-burning appliance. All such alarms shall be connected to an alarm monitoring station that shall be staffed at all times by a person who is trained and qualified to respond so as to protect the health and safety of building occupants in the event of the activation of one or more alarms. Carbon monoxide alarms and fire alarms may be incorporated into a common monitored system.

2. 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.

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

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

New rule.

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.

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.14, effective January 5, 1987.

See: 18 N.J.R. 2083(a), 19 N.J.R. 63(a).

In (b)5iv Section M-508 was deleted and Section M-508.1 was substituted.

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).

References to 1989 Supplement added; (c)1 and 3 added.

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.429, effective August 19, 1991.

See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).

In (a), added 3. Added new (c).

Amended by R.1992 d.183, effective April 20, 1992.

See: 24 N.J.R. 167(a), 24 N.J.R. 1475(b).

Text added at (b)7 and (c)1, deleting parts of article 16 of the mechanical subcode.

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.120, effective March 6, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4874(b), 27 N.J.R. 894(b).

Amended by R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Added (c).

Amended by R.2001 d.196, effective June 18, 2001.

See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).

Rewrote (a) and (b).

Administrative correction.

See: 33 N.J.R. 3310(a).

Amended by R.2002 d.15, effective January 22, 2002.

See: 33 N.J.R. 2933(b), 33 N.J.R. 3883(a), 34 N.J.R. 521(a).

In (c), added the last sentence in the introductory paragraph, and rewrote 1.

Amended by R.2003 d.137, effective April 7, 2003.

See: 34 N.J.R. 4277(a), 35 N.J.R. 1558(c).

In (c), deleted “, or any dwelling unit of Use Group” following “R-2”, and substituted “, R-3 or R-4” for “R-3 located in a building required to be registered as a multiple dwelling” in the introductory paragraph.

Amended by R.2004 d.67, effective February 17, 2004.

See: 35 N.J.R. 4627(a), 36 N.J.R. 949(b).

In (c), added R-5 to the list of groups.

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.

### 5:23-3.20A (Reserved)

New Rule R.1992 d.183, effective April 20, 1992.

See: 24 N.J.R. 167(a), 24 N.J.R. 1475(b).

Repealed by R.2001 d.196, effective June 18, 2001.

See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).

Section was “Indoor air quality subcode”.

### 5:23-3.21 One- and two-family dwelling subcode

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

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the International Code Council, International Residential Code known as the “IRC/2000” as the one-and two-family dwelling subcode in New Jersey subject to the modifications stated in (c) below.

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

ii. The IRC/2000 may be known and cited as the one-and two-family dwelling subcode.

(b) The provisions of this subcode shall apply to the construction, alteration, repair, or increase in size of detached one-or two-family dwellings, or single family townhouses, of Group R-5 not more than three stories in height. For this purpose, a townhouse shall be as defined in Section 202 of the International Residential Code: “A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.”

(c) The following chapters or sections of the IRC/2000 shall be modified as follows:

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

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

i. The definition of “Additions” shall be deleted.

ii. The definition of “Alteration” shall be deleted.

iii. The definition of "Approved" shall be deleted and the following shall be inserted: "Approved refers to approval by the building subcode official or other authority having jurisdiction in accordance with the regulations."

iv. In the definition of "Approved Agency," "or other authority having jurisdiction in accordance with the Uniform Construction Code" shall be inserted after "Official."

v. The definitions of "Building" shall be deleted and the definition at N.J.A.C. 5:23-3.14(b)2iv shall be inserted.

vi. The definition of "Building, Existing" shall be deleted.

vii. The definition of "Building Line" shall be deleted.

viii. The definition of "Building Official" shall be deleted and the definition at N.J.A.C. 5:23-3.14(b)2vi shall be inserted.

ix. The definition of "Existing Installations" shall be deleted.

x. The definition of "Jurisdiction" shall be deleted.

xi. The definition of "Manufactured Home" shall be deleted.

xii. The definition of "Owner" shall be deleted and the definition at N.J.A.C. 5:23-3.14(b)2viii shall be inserted.

xiii. The definition of "Permit" shall be deleted.

xiv. The definition of "Person" shall be deleted.

xv. In the definition of "Potable Water," "public health authority having jurisdiction" shall be deleted and "Public Health Drinking Water Standards or the regulations" shall be inserted.

xvi. The definition of "Repair" shall be deleted.

3. Chapter 3, Building Planning, shall be amended as follows:

i. Add new Section R300 as follows:

"R300 Height and Area Limitations. Buildings of VB, unprotected wood framed construction, as that term is defined in Section 602 of the building subcode, shall be not more than two stories, not more than 35 feet in height, and not more than 4,800 square feet in area per floor. For the purpose of applying this section, a habitable attic shall not constitute a story. A habitable attic shall be an attic that has a stairway as a means of access and egress and in which the ceiling area at a height of seven feet above the attic floor is not more than one-third the area of the next floor below.

R300.1 Increases in Height. The building shall be not more than three stories and not more than 55 feet in height where the building is equipped throughout with an automatic sprinkler system installed in accordance with the National Fire Protection Association (NFPA) Standard 13 or 13R and where the system is monitored by an approved supervising station in accordance with NFPA 72.

R300.2 Increases in area. The area of a building may be increased as provided in Sections R300.2.1 and Section R300.2.2 below.

R300.2.1 The area limitation shall be permitted to be increased 200 percent for one-and two-story buildings and 100 percent for buildings more than two stories in height where a building is equipped throughout with an automatic sprinkler system installed in accordance with NFPA Standard 13.

R300.2.2 The area limitation shall be permitted to be increased two percent for each one percent of excess frontage where a building has more than 25 percent of the building perimeter fronting on a street or other unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall be not less than 30 feet in width, and shall have access from a street by a posted fire lane that is not less than 18 feet in width.

R300.3 Buildings of VA construction. Buildings of VA, protected wood framed construction, as that term is defined in Section 602 of the building subcode, shall be not more than three stories, not more than 40 feet in height, and not more than 10,200 square feet in area per floor.

R300.3.1 Buildings of VA construction greater than three stories in height shall be designed and constructed in accordance with the building subcode.

R300.3.2 Buildings of VA construction shall be permitted to be increased in area in accordance with R300.2.

R300.4 Buildings of other types of construction: The height and area limits allowable for buildings of construction type VA shall apply to other construction types, as they are defined in Section 602 of the building subcode, provided that the fire ratings of building elements meet or exceed the requirements for type VA in Tables 601 and 602 of the building subcode.

ii. In Section R301.2.1.1, Design criteria, "with the provisions of this code or" shall be inserted after "accordance." In addition, Item 2 shall be deleted.

iii. In Section R301.2.1.2, Internal pressure, in the exception, "in one-and two-story buildings" shall be deleted from the first sentence.

iv. Table R301.2(1), Climatic and Geographic Design Criteria, shall be amended as follows:

Table No. 301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load (lbs./sq. ft.)	Wind Speed (mph)	Seismic Design Category	Subject to Damage from Weathering	Frost Line Depth	Subject to Damage Termite	Subject to Damage Decay
20 See note 4	See fig. R301.2(4)	N/A	Severe See note 1	2 feet-6 inches (Southern Area) 3 feet-0 inches (Northern Area) See notes 2, 3 and 4	Moderate to Heavy	Slight to Moderate

Notes:

1. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy structural requirements of this code. The grade of masonry units shall be determined from the ASTM C34, C55, C62, C73, C90, C129, C145, C216, or C625 listed in Chapter 43.

2. The frost line depth may require deeper footings than indicated in Section R403.1.4. The jurisdiction shall fill in the frost line depth column with minimum depth of footing below finished grade.

3. New Jersey is divided into two zones: Zone 1 consists of Monmouth and Burlington Counties and all counties to the south. Zone 2 consists of Mercer and Middlesex Counties and all counties to the north.

4. The enforcing agency having jurisdiction may establish values other than the ones listed for "ground snow load," and "frost line depth" if warranted by documented local climatic and geographic conditions."

v. In Section R301.2.2, Seismic provisions, "and single-family townhouses" shall be inserted after "Detached one-and two-family dwellings."

vi. Section R303.4, Stairway illumination, shall be deleted in its entirety.

vii. Section R303.6, Required heating, shall be deleted in its entirety.

viii. In Section R308.4, Hazardous locations, Item 9 shall be deleted. In the same section, Exception 9 shall be deleted.

ix. Section R309.2, Separation required, shall be deleted and the following shall be inserted: "Private garages located beneath rooms shall have walls, partitions, floors and ceilings separating the garage from the adjacent interior spaces constructed with not less than a one-hour fire resistance rating (see N.J.U.C.C. FTO-13). Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of 1/2-inch gypsum board or equivalent applied to the garage side."

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

In (c)4, substituted "more pressure than would be exerted by backfill" for "lateral pressure from soils" following "subject to" in ii, and substituted "drainage" for "designated disposal" preceding "system" and added "according to the Unified Soil Classification System, Group I Soils" at the end of iii; and inserted (c)9iv.

Amended by R.2001 d.369, effective October 15, 2001.

See: 33 N.J.R. 2365(a), 33 N.J.R. 3674(a).

In (b), inserted "that are" following "type 5B construction", "no more" preceding "than 4,800 square feet", and substituted "seven feet" for "7½ feet (2,235 mm.)".

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

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

Rewrote the section.

Amended by R.2003 d.420, effective November 3, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 5073(a).

Rewrote (c).

### 5:23-3.22 Fuel gas subcode

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

1. Pursuant to authority of P.L. 1975, c.217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Fuel Gas Code/2003. This code is hereby adopted by reference as the fuel gas subcode for the State of New Jersey subject to the modifications in (b) below.

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

ii. The International Fuel Gas Code/2003 may be known and cited as the "fuel gas subcode."

2. Any references to the International Plumbing Code, ICC Electrical Code, International Energy Conservation Code or the International Existing Building Code listed in Chapter 8 shall be considered a reference to the appropriate adopted plumbing, electrical, or energy subcode in N.J.A.C. 5:23-3 or rehabilitation subcode in N.J.A.C. 5:23-6.

3. Anywhere the term "code" appears, shall be a reference to "subcode" as defined in N.J.A.C. 5:23-1.4 for any of the adopted national model codes as appropriate.

(b) The following chapters, sections or pages of the International Fuel Gas Code/2003 are amended as follows:

1. Chapter 1 of the fuel gas subcode, entitled "Administration" is deleted in its entirety.

2. Chapter 2 of the fuel/gas subcode, entitled "Definitions," is amended as follows:

i. In Section 201.3 delete "ICC Electrical Code, and International Plumbing Code," and insert "electrical subcode and plumbing subcodes."

ii. The definition of the term "alteration" is deleted and the definition found in N.J.A.C. 5:23-1.4 is substituted;

iii. The definition of the term "approved" is deleted;

iv. The definition of the term "code" is deleted;

v. The definition of the term "code official" is deleted, and the following language is substituted: "For the purpose of the fuel gas subcode, the term "code official" shall mean the appropriate subcode official as designated in N.J.A.C. 5:23-3.4."

vi. The definition of the term "unlisted boiler" is deleted.

3. Chapter 3 of the fuel gas subcode, entitled "General Regulations," is amended as follows:

i. Section 301.1 is amended to delete the words "in accordance with Section 101.2."

ii. In Section 301.3 delete "in accordance with Section 105."

iii. Section 301.9 is deleted.

iv. Section 305.1. Delete the second paragraph in its entirety.

v. Section 307.1 is amended to delete "approved plumbing fixture" on line 3 and insert the following: "drywell, sump pump, floor drain, or drainage system below floor."

vi. Section 307.2 is deleted.

4. Chapter 4 of the fuel gas subcode, entitled "Gas Piping Installation," is amended as follows:

i. Add new Section 401.9 as follows:

401.9 Protection from vehicle impact. Gas meters, related regulators and piping that are installed indoors or outdoors and are subject to vehicle impact shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated.

(1) Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required.

ii. Section 401.2 is amended to add the following: "Delete in its entirety Section 3-2.5 "Installation of Containers on Roofs of Buildings" in NFPA-58, 1998 Edition." Installation of LP-Gas containers on roofs of buildings shall be strictly prohibited.

iii. Section 403.3 is deleted.

5. Chapter 5 of the fuel gas code, entitled "Chimneys and Vents," is amended as follows:

i. In Section 503.5.6 delete "cleaned and free of obstructions" and insert "inspected in accordance with

the chimney certification program as provided for in N.J.A.C. 5:23-2.20."

ii. Section 503.5.6.1, exception: Delete the exception in its entirety.

6. Chapter 6 of the fuel gas code, entitled "Specific Appliances" is amended as follows:

- i. Section 623.2 is deleted.
- ii. Section 623.3 is deleted.
- iii. Section 627.10 is deleted.

7. Chapter 8 of the fuel gas code, entitled "Referenced Standards," is amended as follows:

i. Under the heading "ICC," amend the following titles:

- (1) Delete "IBC-03, International Building Code" and insert "IBC-00, International Building Code."
- (2) Delete "ICC EC-03, ICC Electrical Code."
- (3) Delete "IEBC-03, International Existing Building Code."
- (4) Delete "IECC-03, International Energy Conservation Code."
- (5) Delete "IFC-03, International Fire Code" and insert "IFC-00, International Fire Code."
- (6) Delete "IPC-03, International Plumbing Code."
- (7) Delete "IRC-03, International Residential Code" and insert "IRC-00, International Residential Code."

8. Appendices A, B, and C of the fuel gas subcode are informative and are not part of the subcode itself.

9. Appendix D of the fuel gas subcode, entitled "Recommended Procedure for Safety Inspection of an Existing Appliance Installation," is deleted in its entirety.

New Rule, R.2001 d.196, effective June 18, 2001.  
 See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).  
 Administrative correction.  
 See: 33 N.J.R. 3310(a).  
 Amended by R.2004 d.468, effective December 20, 2004.  
 See: 36 N.J.R. 1858(b), 36 N.J.R. 5711(a).  
 In (b), added a new 4i and recodified existing i through ii as ii through iii.  
 Amended by R.2005 d.35, effective January 18, 2005.  
 See: 36 N.J.R. 3329(b), 37 N.J.R. 267(a).  
 Rewrote the section.

APPENDIX 3-A

APPENDIX

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS  
 DIVISION OF CODES AND STANDARDS  
 CODE CHANGE PROPOSAL

REHABILITATION SUBCODE (N.J.A.C. 5:23-6)

Proposals must be presented with language proposed for deletion in brackets [ ].  
Proposals must be presented with language proposed for addition underlined:

Mail code change proposals to:	Fax code change proposals to:
Code Development Unit	Code Development Unit
Department of Community Affairs	(609) 984-7717 or
Division of Codes and Standards	(609) 633-6729
PO Box 802	
Trenton, New Jersey 08625	

Direct questions to the Code Development or Code Assistance Units at (609) 984-7609.

Section (citation) proposed for change: \_\_\_\_\_  
Sections (companion changes) that might also need to be changed: \_\_\_\_\_

NAME: \_\_\_\_\_  
ORGANIZATION (if any): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Proposed Code Change: \_\_\_\_\_

Supporting Statement (reason for code change):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

New Rule, R.2004 d.261, effective July 6, 2004.  
See: 35 N.J.R. 1267(a), 36 N.J.R. 3275(a).

SUBCHAPTER 3A. STATE-JURISDICTION SUBCODES

5:23-3A.1 Scope

This subchapter shall govern the enforcement by the Department of Community Affairs of the State Uniform Construction Code, in conjunction with other rules administered by the Department, in facilities and installations for which the Department is the sole enforcing agency, as set forth in N.J.A.C. 5:23-3.11(j).

5:23-3A.2 Subcodes established

(a) All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of carnival-amusement rides or ski lifts shall be designated collectively as the amusement ride subcode.

(b) All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of high pressure boilers, pressure vessels or refrigeration systems shall be designated collectively as the boiler, pressure vessel and refrigeration subcode.

(c) The amusement ride subcode and the boiler, pressure vessel and refrigeration subcode shall be known, and may be designated, as "State-jurisdiction subcodes."

#### SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES

##### 5:23-4.1 Title; scope; intent

(a) This subchapter, adopted pursuant to authority of the State Uniform Construction Code Act and entitled "Enforcing agencies; duties; powers; procedures", shall be known and may be cited through the regulation as N.J.A.C. 5:23-4," 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 and N.J.A.C. 5:23-4A, 4B, 4C shall control matters related to: the structure, organization, and procedures of municipal, State, and interlocal enforcing agencies; their interrelationships; the structure, organization, and procedures of boards of appeal; the approval of premanufactured construction; private enforcing agencies; and the establishment of fees.

(d) This subchapter seeks to provide an efficient administrative structure for enforcing agencies and boards of appeal, through which delay in the construction process can be reduced, uniformity of systems and procedures encouraged, and the public health and safety protected. Such intent shall be given full effect in the construction of any specific provision of this subchapter.

Amended by R.1990 d.313, effective June 18, 1990.

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Reference to subchapter 4A added to (c).

Amended by R.1994 d.96, effective February 22, 1994.

See: 26 N.J.R. 1073(a).

##### Law Review and Journal Commentaries

Municipal employees—Construction Code Officials. Judith Nallin, 135 N.J.L.J. No. 14, 50 (1993).

##### Case Notes

Citation to former N.J.A.C. 5:23-2.9 on enforcement. Newark Health Welfare Dept. v. Rogers, 179 N.J.Super. 389, 432 A.2d 135 (Ch.Div.1981).

City must proceed against property through its own ordinances rather than seek common law public nuisance injunction where no local board of health established and nuisance not proven. Newark Health & Welfare Dept. v. Rogers, 179 N.J.Super. 389, 432 A.2d 135 (Ch.Div. 1981).

##### 5:23-4.2 Matters covered; exceptions

(a) Except as otherwise provided in subsection (b) below, the provisions of this subchapter shall apply to all agencies with an enforcement responsibility under the act and regulations.

(b) Rules concerning exceptions are:

1. Interstate agencies: This subchapter shall not apply to agencies created by Interstate Compact. Such agencies shall administer and enforce the subcodes, under such rules and regulations as they may develop, pursuant to authority of the State Uniform Construction Code Act, and any other applicable law of this State.

2. Department of Education:

i. When final plans for the construction or alteration of a public school facility have been submitted to the Department of Education, and approved under the standards for educational adequacy set forth at N.J.A.C. 6A:26, and have been submitted for review to, and released by, either the Department of Community Affairs or a construction official of an enforcing agency, such plans shall be filed with the enforcing agency of the municipality in which the public school facility is located.

ii. The enforcing agency shall inspect any construction or alteration of a public school facility in the same manner as any other building or structure subject to the code for the purpose of determining if there are any violations of the educational enhancement and adequacy requirements as set forth at N.J.A.C. 5:23-3.11A(c) and (d) or any other provision of the State Uniform Construction Code.

(c) Rules concerning matters not specifically provided for are:

1. Any type or class of enforcing agency or board of appeals, the procedures of which are developed in this subchapter, may individually adopt further rules for their internal governance, not inconsistent with any specific provision of this subchapter, or with its stated intent.

Amended by R.1991 d.309, effective June 17, 1991.

See: 23 N.J.R. 1084(a), 23 N.J.R. 1922(a).

Rule conformed to P.L. 1990 c.23; reference to N.J.A.C. 6:22 added.

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

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

In (b)2i, substituted "educational adequacy" for "facility adequacy", inserted "either the Department or" preceding "a construction official"; and substantially amended (b)2ii.

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

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

Rewrote (b)2ii.

Administrative change.

See: 34 N.J.R. 1022(a).

**5:23-4.3 Municipal enforcing agencies—establishment****(a) Notice of intention to establish:**

1. Any municipality seeking to establish and operate an enforcing agency, pursuant to the act and the regulations, shall first notify the department of its intent to establish such an agency by registered and certified mail, return receipt requested, not later than one month prior to the effective date of the regulations. Such notice, in the form of a resolution of the governing body, shall state that enforcement will be carried out either by the municipal enforcing agency or by interlocal agreement. The resolution shall also state the extent to which the municipality anticipates that private on-site agencies will be utilized. The resolution shall state the address of the enforcing agency and the board of appeals, if different. Such resolution shall additionally state whether a board of appeals will be appointed within the municipality, whether an intermunicipal joint board of appeals will be established or whether appeals will be left to the jurisdiction of the county.

2. Any municipality which shall not choose to establish and operate an enforcing agency pursuant to the act and the regulations shall notify the department of this intent by registered or certified mail, return receipt requested, not later than one month prior to the effective date of the regulations. Such notice, in the form of a resolution of the governing body, shall state that the governing body requests that the department assume the task of administration and enforcement.

3. A municipality may, by resolution, provide for the employment of an elevator subcode official, licensed in accordance with N.J.A.C. 5:23-5, to perform inspections and witness tests within its jurisdiction. If a municipality fails to employ such an official by July 1, 1992, the Department shall have exclusive jurisdiction to review plans and witness tests for, and inspect elevators within, the municipality. Thereafter, a municipality may acquire such jurisdiction by enacting the necessary resolution and employing an elevator subcode official, but the transfer of jurisdiction to the municipality shall not be effective until 120 calendar days after a certified copy of the resolution is received by the Department.

14. Electrical junction boxes shall be installed near the provided area, such as an accessible attic space, where a future in-line vent pipe fan and system failure alarms may be installed.

15. In combination basement/crawl space or slab-on-grade/crawl space buildings a three-inch minimum solid vent pipe shall be provided between the areas and interconnected into the independent vent stack to permit use of a single in-line vent pipe fan if activation of the system is desired.

16. In order to reduce stack effect, air passages that penetrate the conditioned envelope of the building, such as attic access openings, or other openings installed in top-floor ceilings, shall be closed, gasketed or otherwise sealed with materials approved for such applications.

Amended by R.1994 d.609, effective December 19, 1994 (operative April 1, 1995).  
See: 26 N.J.R. 2704(a), 26 N.J.R. 5007(b).

**APPENDIX 10-A**

**New Jersey Municipalities in Tier 1**

County	Municipality	Municipality
Burlington	Chesterfield	Mansfield
	Camden	Magnolia
		Runnemede
Cumberland	Bridgeton	
	Gloucester	Deptford
Hunterdon		East Greenwich
		Greenwich
		All municipalities except Kingswood and Union
Mercer	Ewing	Pennington
	Hopewell Borough	Princeton Borough
	Hopewell Township	Princeton Township
	Lawrence	
Middlesex	Highland Park	Piscataway
	North Brunswick	
Monmouth	Allentown	Marlboro
	Colts Neck	Roosevelt
	Freehold Borough	Shrewsbury Borough
	Freehold Township	Shrewsbury Township
	Holmdel	Upper Freehold
	Little Silver	
Morris	Chester Borough	Morris Plains
	Chester Township	Morristown
	Dover	Mount Olive
	Harding	Randolph
	Jefferson	Roxbury
	Long Hill	Victory Gardens
	Mendham Borough	Washington
	Mendham Township	Wharton
	Morris	
Passaic	Pompton Lakes	West Milford
Salem	Woodstown	
Somerset	Bernardsville	Montgomery
	Bernards	Peapack & Gladstone
	Branchburg	Rocky Hill
	Far Hills	Somerville

County	Municipality
Sussex	Hillsborough
	Franklin
	Millstone
Warren	All municipalities except Hardyston
Warren	All municipalities

Public Notice.  
See: 23 N.J.R. 3745(a).  
Revised Tier I list issued.  
Administrative change.  
See: 26 N.J.R. 3707(b).  
Administrative change.  
See: 27 N.J.R. 3600(a).  
Administrative change.  
See: 28 N.J.R. 4783(a).

**SUBCHAPTER 11. PLAYGROUND SAFETY  
SUBCODE**

**5:23-11.1 Subcode adopted**

(a) Pursuant to authority of P.L. 1999, c.50 (N.J.S.A. 52:27D-123.9 et seq.), the Commissioner hereby adopts the playground safety guidelines of the United States Consumer Product Safety Commission, known as the 1997 edition of the "Handbook for Public Playground Safety" (Pub. No. 325). These guidelines are hereby adopted by reference as the Playground Safety Subcode for New Jersey.

1. Copies of these guidelines may be obtained from the United States Consumer Product Safety Commission, Office of Information and Public Affairs, Washington, DC 20207.

2. The "Handbook for Public Playground Safety" may be known and cited as the "Playground Safety Subcode."

(b) Only those guidelines that govern design, installation, inspection and maintenance of playgrounds and playground equipment shall be deemed to be mandatory. Guidelines concerning supervision and training of personnel shall be deemed to be advisory only.

**5:23-11.2 Definition**

For purposes of this subchapter, "playground" shall mean an improved area designed, equipped, and set aside for play of six or more children, which is not intended for use as an athletic playing field or athletic court, and shall include any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

**5:23-11.3 Enforcement of subcode**

(a) No permit shall be required for any element of playground construction that is not otherwise subject to the permit requirements of the State Uniform Construction Code.

(b) Compliance with the requirements of this subcode shall be the responsibility of the manager of the facility, of the owner of the facility and of the agency responsible for the administration of the facility.

(c) The facility manager and/or facility owner or agency responsible for administration of the facility shall certify in writing that any work performed complies with, and the facility is maintained in accordance with, all applicable provisions of this subcode and shall retain this certification on file.

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

#### 5:23-11.4 Compliance schedule

(a) All governmental and for-profit private entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2007 for all other elements, or, in the case of governmental entities, at such earlier date as State funds are made available for such purpose.

(b) All nonprofit entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2014 for all other elements.

(c) All newly constructed playgrounds built, and all new and replacement equipment installed, by a governmental, nonprofit or private for-profit entity more than six months after October 18, 1999 shall conform to the requirements of this subcode.

(d) All construction or alteration of playgrounds, playground equipment and surfacing that are subject to the Playground Safety Subcode shall comply with the applicable provisions of the Barrier-Free Subcode (N.J.A.C. 5:23-7).

1. In accordance with N.J.A.C. 5:23-7.18(d) and ICC/ANSI A117.1, Sections 302 and 303, surfaces of all routes and spaces required to be accessible shall be stable, firm and slip-resistant. Sand and gravel shall therefore not be used as surfacing materials when new equipment is being installed, or a new safety surface is being put in place, and the barrier-free subcode is therefore applicable.

Administrative correction.  
See: 36 N.J.R. 170(a).

## SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE

### 5:23-12.1 Title; scope; intent

(a) This subchapter of the rules adopted pursuant to the authority of the Uniform Construction Code Act, entitled "Elevator Safety Subcode," shall be known and cited throughout this chapter as subchapter 12 or N.J.A.C. 5:23-12, and when referred to in this subchapter may be cited as "this subchapter."

(b) Unless otherwise specifically provided, all references to paragraphs, sections, or to provisions not specifically identified, shall be construed to refer to such paragraph or section or provision of this subchapter.

(c) This subchapter shall control all matters relating to administration of tests and inspections of elevator devices as defined in (e) below.

(d) It is the purpose of this subchapter to enhance the public safety, health and welfare by ensuring that elevator devices as defined in this subchapter are periodically inspected and maintained in accordance with nationally recognized, referenced standards.

(e) For purposes of this subchapter, "elevator" or "elevator device" means a hoisting and lowering device equipped with a car or platform which moves in guides for the transportation of individuals or freight in a substantially vertical direction through successive floors or levels of a building or structure; or, a power driven, inclined, continuous stairway used for raising or lowering passengers; or, a type of passenger carrying device on which passengers stand or walk, and in which the passenger carrying surface remains parallel to its direction of motion and is uninterrupted. This includes, without limitation, elevators, escalators, moving walks, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts and any device within the scope of ASME A17.1 (Safety Code for Elevators and Escalators) or ASME A90.1 (Safety Standard for Belt Manlifts).

1. This definition shall not apply to any conveyor devices that are process equipment.

### 5:23-12.2 Referenced standards

(a) Periodic, routine and acceptance tests and inspections, if applicable, shall be required on all new, altered and existing power elevators, escalators, dumbwaiters, moving walks, wheelchair lifts, manlifts and stairway chairlifts in accordance with the most recent edition of ASME A17.1 referenced in the building subcode. This subsection shall not apply to elevator devices in structures of Group R-3, R-4, or R-5, or to any elevator device located wholly within a dwelling unit in a structure of Group R-2 if the device is not accessible to the general public.