

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

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

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

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

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

iv. New Section 3002.4.1, Elevators in newly constructed multiple dwellings, shall be inserted as follows: "When an elevator is installed in any newly constructed multiple dwelling regardless of height, the elevator shall meet the dimensional requirements above."

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

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

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

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

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

affirmation shall attest to the following information relative to the flame-resistance of the fabric:

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

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

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

4. Name of person or firm treating the material.

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

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

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

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

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

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

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

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

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

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

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

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

constructed in conformance with ANSI/NSPI-3 as listed in Chapter 35.

3110.4 Above-ground and on-ground residential swimming pools. Above-ground and on-ground residential swimming pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Chapter 35.

3110.5 Residential in-ground swimming pools. Residential in-ground swimming pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Chapter 35.

3110.6 Portable spas. Portable spas shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Chapter 35.

23. Chapter 32, Encroachments into the Public Rights of Way, shall be amended as follows:

i. In Section 3202.1.2, Vaults and other enclosed spaces, "authority or legislative body having jurisdiction" shall be deleted and "Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.

ii. In Section 3202.3.4, Pedestrian walkways, "authority having jurisdiction" shall be deleted and "the construction official" shall be inserted.

iii. In Section 3202.4, Temporary encroachments, "local authority having jurisdiction" shall be deleted and "municipality" shall be inserted.

24. Chapter 33, Safeguards During Construction, shall be amended as follows:

i. Sections 3303.1, Construction documents; 3303.2, Pedestrian protection; 3303.4, Vacant lot; 3303.5, Water accumulation; and 3303.6, Utility connections, shall be deleted in their entirety.

ii. In Section 3306.2, Walkways, "Chapter 11" shall be deleted and "the barrier free subcode, N.J.A.C. 5:23-7" shall be inserted.

iii. Section 3307.1, Protection required, shall be deleted in its entirety and the following shall be inserted: "Protection of adjoining properties shall be in accordance with N.J.A.C. 5:23-2.34."

iv. In the last sentence of Section 3309.1, Where required, "On construction sites," shall be inserted before "All." In addition, in the last sentence, "Section 906" shall be deleted and "the International Fire Code" shall be inserted.

25. Chapter 34, Existing Structures, shall be deleted in its entirety.

26. Chapter 35, Referenced Standards, shall be amended as follows:

i. New subheading "NSPI" shall be inserted as follows: "NSPI – National Spa and Pool Institute, 2111

Eisenhower Avenue, Alexandria, VA 22314. In addition, the following NSPI Standards shall be inserted: "ANSI/NSPI-1-03, Public Swimming Pools, ANSI/NSPI-2-99, Public Spas, ANSI/NSPI-3-99, Standard for Permanently Installed Residential Spas, ANSI/NSPI-4-99, Standard for Above-Ground/On-Ground Residential Swimming Pools, ANSI/NSPI-5-03, Standard for Residential In-ground Swimming Pools, and ANSI/NSPI-6-99, Standard for Portable Spas."

ii. Under the subheading "ACI 318-05," "Section 1708.3" shall be deleted.

iii. Under the subheading "ACI 530-05," "Section 1708.1.1," "Section 1708.1.2," and "Section 1708.1.3" shall be deleted.

iv. Under the subheading "AISC 341-05," "Section 1708.4" shall be deleted.

v. Under the subheading "ASCE/SEI 5-05," "Section 1708.1.1," "Section 1708.1.2" and "Section 1708.1.3" shall be deleted.

vi. Under the subheading "ASTM A615/A A615M-04a," "Section 1708.3" shall be deleted.

vii. Under the subheading "ASTM A898/A 898M-91(2001)," "Section 1708.3" shall be deleted.

viii. Under the subheading "AWS D1.1-04," "Section 1708.4" shall be deleted.

ix. Under the subheading "TMS 402-05," "Section 1708.1.1," "Section 1708.1.2" and "Section 1708.1.3" shall be deleted.

27. The Appendices shall be amended as follows:

i. Appendix A, Employee Qualifications; Appendix B, Board of Appeals; Appendix C, Group U-Agricultural Buildings; Appendix D, Fire Districts; Appendix E, Supplementary Accessibility Requirements; Appendix F, Rodent Proofing; and Appendix G, Flood Resistant Construction, shall be deleted in their entirety.

ii. In Appendix H, at the beginning of the Appendix, the sentence, "The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance," shall be deleted in its entirety.

(1) In Appendix H, Section H101.2, Signs exempt from permits, shall be deleted in its entirety.

(2) In Appendix H, Section H105.2, Permits, drawings and specifications, "as provided in Chapter 1" shall be deleted and "as provided in N.J.A.C. 5:23-2.14" shall be inserted.

(3) In Appendix H, Section H106.1, Illumination, "ICC Electrical Code" shall be deleted and "electrical subcode" shall be inserted.

(4) In Appendix H, Section H106.2, Electrical service, "ICC Electrical Code" shall be deleted and "electrical subcode" shall be inserted.

iii. Appendix I, Patio Covers, Appendix J, Grading, and Appendix K, ICC Electrical Code, shall be deleted in their 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. 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.  
Amended by R.1998 d.332, effective July 6, 1998.  
See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).  
Rewrote the section.  
Amended by R.2000 d.492, effective December 18, 2000.  
See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).  
Rewrote (b)25.  
Amended by R.2001 d.127, effective April 16, 2001.  
See: 33 N.J.R. 392(a), 33 N.J.R. 1195(a).

In (a)9, added new ix and recodified former ix through xiii as new x through xiv.  
Amended by R.2001 d.368, effective October 15, 2001.  
See: 33 N.J.R. 1990(a), 33 N.J.R. 3673(b).  
In (b)9, inserted a new ix and recodified former ix through xiv as x through xv.  
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), substituted "seven" for "7 1/3 (2335 mm)" in 2vi, rewrote 10, added a new 17, and recodified former 17 through 26 as 18 through 27.  
Amended by R.2002 d.215, effective July 1, 2002.  
See: 34 N.J.R. 1078(a), 34 N.J.R. 2312(a).  
In (b)22, inserted new ii and recodified existing ii through xvii as iii through xviii.  
Administrative correction.  
See: 34 N.J.R. 3771(b).  
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.  
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).  
Amended by R.2005 d.403, effective November 21, 2005.  
See: 37 N.J.R. 2747(a), 37 N.J.R. 4999(b).  
Added (b)14xi and recodified former (b)14xi-xiii as (b)14xii-xiv; added (b)18 and recodified former (b)18-25 as (b)19-26.  
Amended by R.2005 d.446, effective December 19, 2005.  
See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).  
In (b)3viii(3), substituted "one- and two-family" for "single-family"; in (b)3viii(5), "Group R-5 also includes: ..."  
Amended by R.2006 d.28, effective January 17, 2006.  
See: 37 N.J.R. 2750(a), 38 N.J.R. 485(b).  
Rewrote (b)9, 20 and 21.  
Amended by R.2006 d.157, effective May 1, 2006.  
See: 37 N.J.R. 3108(a), 38 N.J.R. 1824(a).  
Rewrote (b)21ii.  
Administrative Correction.  
See: 38 N.J.R. 3024(a).  
Amended by R.2006 d.381, effective November 6, 2006.  
See: 38 N.J.R. 35(a), 38 N.J.R. 4691(a).  
In (b)15ii, added the last sentence; added new (b)15iv; and recodified former (b)15iv through (b)15xv as (b)15v through (b)15xvi.  
Amended by R.2007 d.51, effective February 5, 2007.  
See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).  
Added new (b)2viii; recodified former (b)2viii through (b)2x as (b)2ix through (b)2xi; added new (b)3iii; recodified former (b)3iii through (b)3viii as (b)3iv through (b)3ix; added new (b)9i; recodified former (b)9i through (b)9xi as (b)9ii through (b)9xii; added new (b)9xiii; recodified former (b)9xii through (b)9xv as (b)9xiv through (b)9xvii; added new (b)10xxii and (b)10xxiii; and recodified former (b)10xxii as (b)10xxiv.  
Amended by R.2007 d.65, effective February 20, 2007.  
See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).  
Rewrote the section.  
Administrative correction.  
See: 39 N.J.R. 1249(a).  
Amended by R.2007, d.384, effective December 17, 2007.  
See: 39 N.J.R. 2684(a), 39 N.J.R. 5211(a).

Added new (b)3i and (b)3ii; and recodified former (b)3i through (b)3vii as (b)3iii through (b)3ix.

Amended by R.2008 d.39, effective March 3, 2008.

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

Added new (b)24iii; and recodified former (b)24iii as (b)24iv.

Administrative correction.

See: 40 N.J.R. 1829(a).

Amended by R.2008 d.184, effective July 7, 2008.

See: 39 N.J.R. 2176(a), 40 N.J.R. 3990(a).

Deleted former (b)9vii; and recodified former (b)9viii through (b)9xlii as (b)9vii through (b)9xli.

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

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

In (b)3iii, inserted "(not including food or drink consumption)"; added new (b)5ii; recodified former (b)5ii as (b)5iii; added new (b)5iv and (b)5v; recodified former (b)5iii through (b)5ix as (b)5vi through (b)5xii; in (b)7i, deleted "at" preceding and ", and group U when used as an accessory to Group R3'" following "Note b"; added new (b)8iii; recodified former (b)8iii through (b)8v as (b)8iv through (b)8vi; in (b)8v,

substituted "Exceptions 4 and 6" for "Exception 4" and "their" for "its"; in the second paragraph of (b)9ii, deleted ".1" following "903.1.2"; in (b)9v1, deleted "that conforms to the requirements of Section 1005.3.6," following "stairway" and substituted "1023" for "1003.3.4"; in the introductory paragraph of (b)9vi, substituted "903.2.14" for "903.2.16"; in (b)9xii3, substituted "903.3.1.1" for "906.2.1"; rewrote (b)9xiii through (b)9xli; added (b)9xlii; rewrote (b)10, (b)17xiv through (b)17xxii; added new (b)18v; recodified former (b)18v through (b)18xi as (b)18vi through (b)18xii; rewrote (b)21; and in (b)22iv, deleted "In" preceding "Section" and "Item 3" preceding "shall".

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

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

Added new (b)18v; and recodified former (b)18v through (b)18xii as (b)18vi through (b)18xiii.

#### 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).

ventional height of 36 inches; a parallel approach must be provided.”

22. Sections 804.6.2, entitled “Operable Parts”, 804.6.3, entitled “Dishwasher,” 804.6.4, entitled “Range or Cooktop,” 804.6.5, entitled “Oven,” and 804.6.6, entitled “Refrigerator/Freezer,” shall be deleted in their entirety.

23. Amend section 1002.3.1, entitled “Location,” as follows:

i. In the Exception, delete the word “unfinished” in two places.

24. In Section 1002.9, entitled “Operable Parts,” delete Exception 2 in its entirety.

25. Delete section 1002.13 entitled “Windows,” in its entirety.

26. Amend section 1003.3, entitled “Accessible route,” as follows: “Exception: Exterior decks, patios, or balconies that are part of an accessible or adaptable dwelling unit and that have impervious or improved surfaces that are not more than four (4) inches below the finished floor level of the adjacent interior space of the dwelling unit.”

27. Amend section 1003.3.1, entitled “Location,” in the Exception, delete “unfinished” in two places.

28. In section 1003.9, entitled “Operable Parts,” delete exception 2 in its entirety.

29. Section 1003.10, Laundry equipment, shall be deleted in its entirety.

30. In section 1003.11.1, entitled “Toilet Facilities: General,” delete the first sentence.

31. In section 1003.11.6, entitled “Mirrors,” add the following text: “Exception: The mirror height may be adaptable as long as adjusting the mirror can be accomplished with minimal expense and effort.”

32. Section 1003.11.9, entitled “Shower,” shall be amended as follows:

i. In the first line, after the word “Exception,” insert the number “1.”

ii. Add the following text at the end of the Exception: “2. The threshold for a shower compartment may be adaptable provided the shower threshold can be made accessible with minimal expense and effort.”

33. In section 1003.12.3.1, entitled “Clear Floor Space”, delete Exception (a) in its entirety and insert in its place: “(a) the cabinetry can be removed or replaced as a unit,”

34. In section 1003.12.3.2, entitled “Height”, delete the exception in its entirety and insert the following in its place: “Exception: A counter that is adjustable or replaceable as a unit to provide a work surface at heights between 29 inches minimum and 36 inches maximum shall be permitted.”

35. In section 1003.12.4.1, entitled “Clear Floor Space”, delete Exception (a) in its entirety and insert in its place: “(a) the cabinetry can be removed or replaced as a unit,”

36. In section 1003.12.4.2, entitled “Height”, delete the exception in its entirety and insert the following in its place: “Exception: A sink and counter that is adjustable or replaceable as a unit at heights between 29 inches minimum and 36 inches maximum, provided rough-in plumbing permits connections of supply and drain piping for sinks mounted at heights of 29 inches, shall be permitted.”

37. At Figure 1003.12.4 entitled “Kitchen Sink for Type A Units”, delete the text “6 ½ max/165” from the right side of the figure.

38. At section 1003.12.5 entitled “Kitchen Storage”, add the following text: “Exception: Kitchen cabinets mounted above the kitchen counters may be mounted at a standard height as long as remounting the kitchen cabinets can be accomplished with minimal expense and effort.”

39. In section 1003.12.6, entitled “Appliances,” delete the following sections: section 1003.12.6.1, entitled “Operable parts;” section 1003.12.6.3, entitled “Dishwasher;” section 1003.12.6.4, entitled “Range or cooktop;” section 1003.12.6.5, entitled “Oven;” section 1003.12.6.6, entitled “Refrigerator/Freezer;” and section 1003.12.6.7, entitled “Trash compactor.”

40. Delete section 1003.13, entitled “Windows,” in its entirety.

41. Delete section 1004, entitled “Type B Units,” in its entirety.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.2, Recreation, recodified to N.J.A.C. 5:23-7.15.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Amended by R.2004 d.59, effective February 2, 2004.

See: 35 N.J.R. 4631(a), 36 N.J.R. 649(a).

Rewrote (b).

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Rewrote the section.

Administrative correction.

See: 39 N.J.R. 3296(a).

Amended by R.2009 d.60, effective February 17, 2009.

See: 40 N.J.R. 3779(a), 41 N.J.R. 875(a).

Added new (b)20, (b)26, and (b)29; recodified former (b)20 through (b)24 as (b)21 through (b)25, former (b)25 and (b)26 as (b)27 and (b)28, and former (b)27 through (b)38 as (b)30 through (b)41; and rewrote (b)21.

#### Case Notes

Condominium association’s violation of N.J.A.C. 5:23-7.2, by not providing parking spaces designated for physically handicapped people and accessible passenger loading zones on the shortest possible circulation route to an accessible entrance of the building, supported plaintiff’s claim that the association violated N.J.S.A. 10:5-4.1 and 10:5-12(g) of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 10:5-49. Estate of Nicolas v. Ocean Plaza Condo. Ass’n, Inc.,

388 N.J. Super. 571, 909 A.2d 1144, 2006 N.J. Super. LEXIS 304 (App.Div. 2006).

### 5:23-7.3 Exceptions

(a) The following nonresidential buildings or structures or portions thereof shall not be required to comply with the provisions of this subchapter.

1. Temporary structures, sites and equipment directly associated with the construction process, such as construction site trailers, bridging, or material hoists shall be exempt from the provisions of this subchapter;

i. Exception: Construction site trailers used as sales offices shall be accessible;

2. Areas of buildings or structures where work cannot reasonably be performed by persons having a severe impairment (sight, mobility or hearing) shall not be required to comply with the specific provisions of this subchapter that provide accessibility to such persons;

i. Such areas include, but are not limited to, observation galleries used primarily for security purposes, non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways, including elevator pits, elevator penthouses, piping, or equipment catwalks; and

3. Unclassified accessory buildings or structures of Use Group U shall be exempt from the provisions of this subchapter, except as follows:

i. In agricultural buildings, areas used for employment, such as, but not limited to, offices or areas used for packing, sorting, or grading products, as well as areas open to the general public shall be accessible.

(b) The following residential buildings or structures shall not be required to comply with the provisions of this subchapter:

1. Townhouses, except townhouses for which credit is sought for low and moderate income housing through the Council on Affordable Housing (COAH), as provided at N.J.A.C. 5:23-7.5;

i. For the purposes of applying this exemption, a townhouse shall be a single dwelling unit with two or more stories of dwelling space, exclusive of basement or attic, where each dwelling unit extends from foundation to roof. The dwelling unit shall have an independent entrance that shall serve one dwelling unit only at or near grade; most or all of the sleeping rooms shall be on one story; and most or all of the remaining habitable space, such as kitchen, living, and dining areas, shall be on another story; or

2. Buildings of Group R-2, R-3, R-4, or R-5 with one, two, or three dwelling units in a single structure;

i. For the purposes of determining the number of dwelling units in a single structure, firewalls or partywalls shall not constitute separate buildings.

ii. Exception: Townhouses or multistory dwelling units for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) and that are attached to at least one other dwelling unit shall comply with the applicable provision of N.J.A.C. 5:23-7.5.

(c) Regardless of whether individual residential structures or dwelling units on a site are required to be accessible, all common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.3, Recreation: definitions, recodified to N.J.A.C. 5:23-7.16.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (a), rewrote the introductory paragraph, deleted (3), and recodified former (4) as (3); in (b), inserted "not" following "shall" and substituted "required to comply with" for "exempt from" in the introductory paragraph; added (c).

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

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

In (b)2, added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (b), rewrote 1i and inserted "or partywalls" following "firewalls" in 2i.

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Rewrote (b)1; and added (b)2ii.

### 5:23-7.4 Nonresidential buildings and buildings of Use Group R-1

(a) Nonresidential buildings, and buildings of Use Group R-1, shall provide accessibility as follows:

1. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have at least one accessible entrance on the ground (or first) floor and accessible interior building features on all floors. Except as provided in (a)1i through iv below, small buildings that are not more than two stories shall not be required to have an elevator(s) to provide a vertical accessible route between floors. Small buildings that are three or more stories shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

i. Regardless of the square footage of the buildings or floors, buildings of two or more stories that are owned and occupied by public entities shall provide a vertical accessible route between floors;

ii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house public transit stations or airport passenger terminals shall provide a vertical accessible route between floors;

iii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house the professional offices of health care providers shall provide a vertical accessible route between floors; and

iv. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house shopping centers or shopping malls shall provide a vertical accessible route between floors.

(1) For the purposes of applying this requirement, a shopping center or shopping mall shall mean a building or a series of buildings on a common site, under common ownership or control, or developed as one project or as a series of related projects housing five or more sales or rental establishments.

2. Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more, shall provide the accessible building features required of small buildings in (a)1 above. In addition, large buildings shall be required to have an elevator(s) to provide a vertical accessible route between floors; however:

i. In such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

(1) Where facilities for employees, including rest rooms, lunch rooms, and lockers, and public facilities, including rest rooms and drinking fountains, are provided on a floor or mezzanine that is not required to be served by an elevator and where no vertical accessible route is provided, the facilities provided on the floor or mezzanine must also be provided on the accessible level.

(2) A limited use limited application elevator that complies with ANSI/ASME A17.1b-1995, Part 25 may be used to provide a vertical accessible route to the floor or mezzanine provided that the travel distance does not exceed 25 feet.

3. For the purposes of applying these provisions, buildings separated by firewalls with penetrations intended for human passage shall not constitute separate buildings.

4. The following provisions shall apply to a nonresidential building required to be accessible, whether a large building or a small building:

i. An accessible route available to the general public shall not pass through kitchens, storage rooms, or similar spaces.

ii. In buildings, facilities, or portions thereof that primarily serve children, accessible facilities that comply

with the provisions of this subchapter for use by adults shall be provided.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:23-7.4, Recreation: exceptions, recodified to N.J.A.C. 5:23-7.17.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Rewrote the section.

Administrative correction.

See: 39 N.J.R. 3296(a).

Administrative correction.

See: 40 N.J.R. 4945(a).

### 5:23-7.5 Residential buildings other than buildings of Group R-1

(a) Buildings of Group R-2, R-3 or R-5 with four or more dwelling units in a single structure shall comply with the provisions of this subchapter.

1. Exception: Multistory dwelling units, which are ground floor dwelling units and for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) and that are attached to at least one other dwelling unit shall comply with the applicable provision of this section.

2. For the purposes of applying this subsection, firewall separations shall not designate separate buildings within a single structure.

3. When being applied to a dwelling unit, the term "adaptable" shall mean a Type A dwelling Unit as per the ICC/ANSI A117.1-03 standard and shall mean that the dwelling unit has an accessible entrance; an accessible interior route into and throughout the dwelling unit, including maneuvering space at doors; and required clear floor spaces and reach ranges in all rooms required to comply with this subchapter. The dwelling unit shall have either the adaptable features in the kitchen and one full bathroom as per Section 1003 of ICC/ANSI A117.1-03 or a fully accessible kitchen and one full bathroom as per Section 1002 of ICC/ANSI A117.1-03.

4. When being applied to dwelling units, dormitories or assisted living facilities, the term "accessible" shall mean a unit that complies with Section 1002 of the ICC/ANSI A117.1-03.

5. All common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

6. The exemption for townhouses in N.J.A.C. 5:23-7.3(b) above notwithstanding, multistory or multifloor townhouses for which credit is sought for low or moderate income housing through the Council on Affordable Hous-

ing (COAH) shall have the following features, which shall comply with the standards for Type A dwelling units per ICC/ANSI A117.1-03:

i. An adaptable entrance, with the plans for the adaptation to provide an accessible entrance;

(1) For the purposes of fulfilling this requirement, the use of a platform lift or a limited use limited application elevator shall be acceptable;

ii. An adaptable toilet and bathing facility on the first floor;

iii. An adaptable kitchen on the first floor;

iv. An accessible interior route of travel;

(1) An interior accessible route of travel shall not be required between stories; and

v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor.

(b) Except as provided at N.J.A.C. 5:23-7.3(b), all dwelling units in elevator-serviced buildings shall comply with the provisions of this subchapter.

1. In an elevator-serviced building, whether a dwelling unit is single story or multi-story, the entry level of each dwelling unit shall have an accessible entrance, an accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

i. An interior vertical accessible route shall not be required within a multi-story dwelling unit.

(c) Except as provided at N.J.A.C. 5:23-7.6, in a building without elevator service, each ground floor dwelling unit shall be required to have an accessible entrance, accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

1. For the purpose of applying this requirement, the ground floor shall mean, in a building containing dwelling units, the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

2. In a building without elevator service and with a building entrance that serves more than one dwelling unit or that does not meet any of the exemptions provided at N.J.A.C. 5:23-7.3(b), all multistory dwelling units with a ground floor entrance shall be accessible as provided in (b) above.

i. Exception: The requirement for an accessible entrance for multistory dwelling units notwithstanding, multistory dwelling units for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) shall have the following

features, which shall comply with the standards for Type A dwelling units per ICC/ANSI A117.1-03:

(1) An adaptable entrance, with the plans for the adaptation to provide an accessible entrance;

(A) For the purposes of fulfilling this requirement, the use of a platform lift or a limited use limited application elevator shall be acceptable;

(2) An adaptable toilet and bathing facility on the first floor;

(3) An adaptable kitchen on the first floor;

(4) An accessible interior route of travel;

(A) An interior accessible route of travel shall not be required between stories; and

(5) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor.

(d) In an accessible or adaptable dwelling unit, an accessible route shall be permitted to pass through the kitchen.

(e) Assisted living facilities that are licensed by the Department of Health and Senior Services shall be Group I-2 for the purposes of compliance with the building subcode, fire protection subcode and compliance with the other subcodes of the Uniform Construction Code shall be Group R-2 for the purposes of accessibility as provided at N.J.A.C. 5:23-7.10.

(f) In each dormitory that is owned and operated by an educational facility, five percent or fraction thereof (rounded to the next higher whole number) of the sleeping rooms or suites shall be accessible. Accessible rooms or suites shall be dispersed and shall be provided throughout all types of rooms. When determining the dispersal of accessible dormitory rooms or suites, factors to be considered shall include location, dwelling unit type, room size, amenities provided, and number of beds provided. The remainder of the sleeping rooms or suites shall be adaptable as provided at N.J.A.C. 5:23-7.5(b) for elevator serviced buildings and at N.J.A.C. 5:23-7.5(c) for buildings without an elevator.

1. All common use facilities, including, but not limited to, toilet facilities, bathing facilities, laundry areas, mailboxes, meeting rooms, and recreation rooms, shall be accessible.

(g) When any dwelling unit, regardless of whether it is exempt from the provisions of this subchapter, includes a B use or an M use, any portion used for the B use or M use shall comply with the provisions of this subchapter.

1. This shall include, but not be limited to, parking, sidewalk, entrance, hallway, and those portions of the dwelling unit, interior or exterior, available to or used by customers or clients, including toilet facilities.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.5, Recreation: route of travel, recodified to N.J.A.C. 5:23-7.18.

Amended by R.2002 d.256, effective August 5, 2002.  
See: 33 N.J.R. 4184(a), 34 N.J.R. 2787(a).

Rewrote the section.

Amended by R.2002 d.350, effective November 4, 2002.  
See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Administrative correction.  
See: 34 N.J.R. 4195(a).

Amended by R.2003 d.402, effective October 20, 2003.  
See: 35 N.J.R. 2797(b), 35 N.J.R. 4861(b).

Rewrote the section.

Amended by R.2004 d.67, effective February 17, 2004.  
See: 35 N.J.R. 4627(a), 36 N.J.R. 949(b).

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

Amended by R.2005 d.184, effective June 20, 2005.  
See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (c), inserted "or that does not meet any of the exemptions provided at N.J.A.C. 5:23-7.3(b)" preceding "all multistory dwelling" in 2; rewrote (f); added a new (g); recodified former (g) as (h).

Amended by R.2007 d.144, effective May 7, 2007.  
See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Section was "Residential buildings other than Group R-1". Rewrote the section.

Administrative correction.  
See: 39 N.J.R. 3296(a).

Amended by R.2009 d.60, effective February 17, 2009.  
See: 40 N.J.R. 3779(a), 41 N.J.R. 875(a).

In (a)3, inserted "required to comply with this subchapter" and inserted "one full" twice.

#### 5:23-7.6 Exception for accessible entrance due to site impracticality

(a) Terrain: Site impracticality due to terrain shall mean the following:

1. Single building with common entrance: A site with a single non-elevator-serviced building with a common building entrance for all units shall not be required to provide an accessible building entrance when the following conditions have been met:

i. The slopes of the undisturbed site measured between the planned building entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance exceed 10 percent; and

ii. The slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance also exceed 10 percent.

iii. Where there are no vehicular or pedestrian arrival points within 50 feet of the planned entrance, the slope shall be measured to the closest vehicular or pedestrian arrival point.

iv. For the purposes of this subchapter, vehicular or pedestrian site arrival points shall include public or resident parking areas, public transportation stops, passenger loading zones, and public streets or sidewalks.

(1) In the case of sidewalks, the closest point to the entrance shall be where a public sidewalk entering the site intersects with the sidewalk to the entrance.

(2) In the case of resident parking areas, the closest point to the planned entrance will be measured from the entry point to the parking area that is located closest to the planned entrance.

2. Multiple buildings or single building with multiple entrances: For a site with multiple buildings or a site with a single building with multiple entrances, an accessible building entrance shall not be required to be provided when the following conditions have been met:

i. The percentage of the total buildable area of the undisturbed site with a natural grade less than 10 percent slope shall be calculated. The analysis of the existing slope (before grading) shall be done on a topographic survey with two-foot contour intervals with slope determination made between each successive interval. The accuracy of the slope analysis shall be certified by a licensed professional engineer, landscape architect, architect, or surveyor.

ii. The minimum percentage of ground floor dwelling units to be made accessible shall equal the percentage of the total buildable area (not including floodplains, wetlands, or other restricted use areas) of the undisturbed site that has an existing natural grade of less than 10 percent slope.

(b) Floodplain: Site impracticality due to unusual characteristics shall apply to non-elevator-serviced buildings on sites located in a Federally designated floodplain or coastal high-hazard area or sites that are subject to other similar requirements of law or code that require that the lowest floor or lowest structural member of the lowest floor be raised to a specified level at or above the base flood elevation. An accessible entrance shall be deemed to be impractical due to usual characteristics when one of the following conditions is met:

1. The unusual site characteristic results in a difference of finished grade elevation exceeding 30 inches and 10 percent when measured between a building entrance and all vehicular or pedestrian arrival points within 50 feet of the planned building entrance; or

2. If there are no vehicular or pedestrian arrival points within 50 feet of the planned building entrance, the unusual characteristics result in a difference in finished grade elevation exceeding 30 inches and 10 percent measured between the planned building entrance and the closest vehicular or pedestrian arrival point.

(c) Site impracticality exceptions shall not apply to elevator-serviced buildings.

(d) The exemption for an accessible building entrance notwithstanding, the interior of the dwelling units required to comply with this subchapter shall be required to be accessible or adaptable in accordance with the provisions of this subchapter.

(e) The exemption from an accessible building entrance notwithstanding, a minimum of 20 percent of the dwelling units shall have an accessible entrance.

New Rule, R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.6, Exterior accessible route, recodified to N.J.A.C. 5:23-7.7.

Amended by R.2009 d.60, effective February 17, 2009.

See: 40 N.J.R. 3779(a), 41 N.J.R. 875(a).

Added (e).

### 5:23-7.7 Exterior accessible route

(a) Every site containing one or more buildings required by this subchapter to be accessible shall have at least one accessible route which shall provide access to and between buildings and facilities on the same site that are also required to be accessible.

1. Exterior accessible routes may include parking access aisles, curb ramps, walks, or ramps.

2. Where the natural and undeveloped contour of the land exceeds the slope required for an accessible route and it is technically infeasible to alter the land contour, a vehicular route may be provided as an alternate accessible route.

3. An accessible route within a site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the building entrance served.

4. Entrances to buildings or spaces in buildings that are not required to be accessible shall not be required to be on an accessible route.

5. Unless it is the only building entrance, a loading or service entrance shall not be required to be on an accessible route.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.6, Recreation: pools, recodified to N.J.A.C. 5:23-7.19.

Recodified from N.J.A.C. 5:23-7.6 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.7, Accessible building entrances, recodified to N.J.A.C. 5:23-7.8.

### 5:23-7.8 Accessible building entrances

(a) Unless exempted by N.J.A.C. 5:23-7.6, for buildings or structures required by this subchapter to be accessible, at least 50 percent of the entrances, but not fewer than one entrance, shall be accessible and shall comply with the provisions of this subchapter. The primary entrance(s) used by the general public shall be accessible.

1. Where a building or facility has separate entrances that serve such functions as accessible parking facilities, passenger loading zones, taxi stands, public streets and

sidewalks, or accessible interior vertical access, at least one entrance serving each such function shall be accessible.

2. At least one accessible entrance shall serve each separate tenancy or function within a building or facility.

3. Unless it is the only building entrance, a loading or service entrance shall not be required to be accessible.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.7, Recreation: swimming and skating areas, recodified to N.J.A.C. 5:23-7.20.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (a), inserted the last sentence in the introductory paragraph.

Recodified from N.J.A.C. 5:23-7.7 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In the introductory paragraph of (a), substituted "Unless exempted by N.J.A.C. 5:23-7.6, for" for "For".

Former N.J.A.C. 5:23-7.8, Interior accessible routes, recodified to N.J.A.C. 5:23-7.9.

### 5:23-7.9 Interior accessible routes

(a) An interior accessible route shall connect all portions of buildings required by this subchapter to be accessible.

1. An interior accessible route may include corridors, floors, ramps, elevators, and clear floor space at fixtures.

(b) Platform lifts shall not be part of an accessible route in new construction, except in special areas permitted below:

1. To provide a line of sight while complying with dispersal requirements for buildings and portions of buildings of Use Group A;

2. To provide access to a performing area; or

3. To provide access to incidental occupiable spaces, such as, but not limited to, a projection booth or equipment control room that is not open to the general public and has not more than five occupants.

(c) Where floor levels are required to be connected by an accessible route and an interior vertical route is provided between levels, the vertical interior route shall be accessible.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.8, Recreation: boating areas, recodified to N.J.A.C. 5:23-7.21.

Recodified from N.J.A.C. 5:23-7.8 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.9, Accessible parking, repealed.

### 5:23-7.10 Accessible parking

(a) Accessible parking spaces shall be the closest parking spaces provided and those spaces shall be on the shortest route, which shall be an accessible route, to an accessible entrance.

substituted "conveying devices," for "conveyor devices that are", inserted ", and mine elevators" and inserted the last sentence.

### 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, ASME A18.1, or ASME A90.1 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 dwelling unit in a structure of Group R-2 if the device is not accessible to the general public.

(b) All operating and electrical parts and accessory equipment or devices for elevator devices shall be maintained in safe operating condition. The maintenance of elevator devices shall conform to the most recent edition of ASME A17.1, ASME A18.1, or ASME A90.1 referenced in the building subcode.

(c) (Reserved)

(d) If, upon inspection of any elevator device subject to the requirements of this subchapter, the equipment is found to be in a dangerous condition, or if there is an immediate hazard to persons riding on or using any such device, or if the design, or the method of operation in combination with the design, of the device is determined to be inherently dangerous by the elevator subcode official, the elevator subcode official shall so advise the construction official so that a notice of unsafe structure may be issued pursuant to N.J.A.C. 5:23-2.32.

(e) Inspection and testing procedures for equipment within the scope (section 1) of the ASME A17.1 Safety Code for Elevators and Escalators shall be performed in accordance with the latest edition of ASME A17.2.

(f) Any education, experience or training requirements included or cited in reference standards shall not be binding in this State.

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.564, effective November 6, 1995 (operative March 1, 1996).

See: 27 N.J.R. 2829(a), 27 N.J.R. 4281(a).  
Amended by R.2004 d.67, effective February 17, 2004.  
See: 35 N.J.R. 4627(a), 36 N.J.R. 949(b).

In (a), added R-5 to the list of groups.  
Amended by R.2008 d.369, effective December 15, 2008.  
See: 40 N.J.R. 4651(a), 40 N.J.R. 6958(a).

In (a) and (b), inserted ", ASME A18.1, or ASME A90.1"; and in (b), substituted "elevator devices" for "elevators, dumbwaiters and escalators".

### 5:23-12.3 Inspection and test schedule

(a) Routine, periodic and acceptance inspections and test of elevators shall be conducted as follows:

1. Routine and periodic inspections shall be made at intervals of not more than six months for all manlifts, and at intervals not exceeding those set forth in Appendix N-1 of ASME A17.1 referenced in the most recent edition of the building subcode for elevators, escalators, dumbwaiters, and moving walks. Stairway chairlifts and wheelchair lifts shall be inspected at intervals not exceeding one year.

2. Routine tests shall be made and periodic tests shall be witnessed at intervals not exceeding those set forth in Appendix N-1 of the most recent edition of ASME A17.1 referenced in the building subcode. Manlifts, stairway chairlifts and wheelchair lifts shall be tested at intervals not exceeding one year.

3. Routine and periodic inspections, including any applicable acceptance inspections, shall be made by the elevator subcode official or elevator inspector. Routine tests shall be made and periodic tests, including any applicable acceptance tests, shall be witnessed by the elevator subcode official or elevator inspector.

4. Each building containing devices covered by this subchapter shall have an inspection cycle established by the enforcing agency. This cycle shall be consistent with the routine and periodic inspection and test intervals required in this section. Once this cycle is established, all such devices in the building shall be subject to inspections and tests, except as exempted by this section or by N.J.A.C. 5:23-12.9.

i. Elevator devices that have been temporarily taken out of operation for alteration work to be performed shall be exempt from routine and periodic inspection and test requirements as long as the elevator device is not accessible to the public or placed back in operation. Those devices that are still in operation, even though they are included in the alteration permit, shall be subject to routine and periodic inspections within the cycle of inspections in the building.

ii. Elevator devices that have been removed from service as per ASME A17.1, A18.1 or A90.1 as applicable are exempt from routine and periodic inspections and tests until the device is placed back in service as per the applicable safety code, which is referenced in the building subcode. Taking a device in or out of service by Code shall be considered minor work within the meaning of N.J.A.C. 5:23-2.17A.

iii. Elevator devices that are used for construction purposes as per ASME A17.1 referenced in the building subcode are subject to inspections and tests required by ASME A17.1 for elevators used for construction. Such devices shall not be accessible to the public. During the operation of the device for construction purposes the owner shall assure that the device is used only for construction purposes by providing a designated operator, authorizing of key operation or by other methods acceptable to the elevator subcode official.

5. Elevator devices in structures of Group R-3, R-4, or R-5, except those elevator devices accessible to the public, shall be exempt from periodic inspection and test requirements. Elevator devices wholly within the dwelling units in structures of Group R-2 and not accessible to the general public shall also be exempt. In addition, signed statements and supporting inspection and acceptance test reports, filed by an approved qualified agent or agency for elevator devices in such structures, other than elevator devices accessible to the public, may be accepted by the construction official, in accordance with N.J.A.C. 5:23-2.19 and 2.20, in lieu of inspections performed by and acceptance tests witnessed by the enforcing agency for work requiring a permit. If the construction official designates the elevator subcode official to perform the inspection and to witness the acceptance test for work under a permit in such structures, those inspections and tests shall ensure compliance with the requirements of the code(s) under which the permit was issued.

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

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

Added (a)4 and 5.

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

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

In (a)5, substituted "structures of Group R-3, R-4, or R-5" for "structures classified as Use Group R-3 and R-4", inserted "the" preceding "acceptance test for work" and substituted "ensure" for "assure" preceding "compliance".

Amended by R.2008 d.369, effective December 15, 2008.

See: 40 N.J.R. 4651(a), 40 N.J.R. 6958(a).

In (a)1, inserted "Appendix N-1 of", substituted a comma for "and" following "escalators" and inserted a comma following "dumbwaiters"; in (a)2, inserted "Appendix N-1 of" and inserted the last sentence; in (a)4ii, inserted ", A18.1 or A90.1 as applicable" and substituted "the applicable safety code" for "ASME A17.1".

#### 5:23-12.4 Registration of elevator devices

(a) On or before July 1, 1992, and thereafter as required by (e) below, the owner of every existing structure containing one or more elevator devices, other than a structure of Group R-3, R-4, or R-5, or other than an elevator device wholly within a dwelling unit in a structure of Group R-2 that is not accessible to the general public, shall register each elevator device with the Department on a form provided by the Commissioner.

(b) The owner of every new structure containing one or more elevator devices or with a newly installed elevator in an existing building shall register each elevator device with the Department, on a form provided by the Commissioner, prior to the issuance of a certificate of occupancy or certificate of approval as the case may be.

1. Exception: Elevators within a building of Group R-3, R-4, or R-5 shall not be required to be registered.

(c) Each filed registration form shall contain the following information for each elevator device:

1. The identification or code number for each individual device;
2. The name, and the address of the New Jersey office or New Jersey residence, of the device's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept service of process;
3. The mailing address and phone number of the person listed in (c)2 above;
4. The street address of the building or structure, including lot and block number, where the device is located;
5. The type of device;
6. The vertical travel of the device in number of feet and stories, or horizontal feet of travel of the walk or other device;
7. The rating load of the device in pounds;
8. The occupancy load in number of persons;
9. The speed of the elevator in feet per minute;
10. The manufacturer of the device;
11. The date of installation, if known, and date of last inspection performed; and
12. Special devices, such as, but not limited to, oil buffers, counterweights, governors and safeties, and auxiliary power generators.

(d) Each construction official shall provide the Department with the following information concerning each device within the municipality:

1. The name and mailing address of the owner or owner's representative of each device; and
2. The street address, including lot and block number, where the device is located.

(e) If the ownership of a structure containing one or more elevator devices, other than a structure of Group R-3, R-4, or R-5, or a device in a structure of Group R-2 exempted under (a) above, is transferred, whether by sale, gift, assignment, interstate succession, testate devolution, reorganization, receivership, foreclosure or execution process, the new owner shall file a notice of change of ownership, with the appropriate re-registration fee, with the Department within 60 days of the date of transfer. A device in a structure of Group R-2 exempted by (a) above, which, because of alterations in design or changes in ownership or management, is no longer wholly within one residential unit, or which otherwise becomes accessible to the general public, shall be registered within 60 days of its change in status.

(f) No permit shall be issued for work to be performed on an existing device if that device is not registered as required by this section.