

application for purposes of an appeal to the Construction Board of Appeals, unless such period of time has been extended with the consent of the applicant. Whenever plans have been rejected and are thereafter revised and resubmitted, the revised plans shall be released if the deficiencies that were stated as grounds for rejection have been corrected and code compliance has been demonstrated. In that case, a written notice of release shall be given to the applicant not later than seven business days after the resubmission of the revised plans. When the grounds for rejection have not been corrected or when code compliance has not been demonstrated, a written notice of rejection stating the grounds for rejection shall be given to the applicant not later than seven business days after the resubmission of the revised plans.

1. Exception: For a building designed in conformance with the one-and two-family dwelling subcode, where the Department or local enforcing agency has released a prototype plan which is to be used for the work covered by the permit application, the construction official shall act on the application within three business days.

i. Where the prototype release did not include the foundation detail, the construction official shall act on the application within seven business days.

2. Exception: For a building designed in conformance with the building subcode, where the Department or local enforcing agency has released a plan which is to be used for the work covered by the permit application, provided that the permit is complete, the construction official shall act on the application within five business days.

(b) Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within 12 months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

(c) Previous approvals: The rules shall not require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively prosecuted within six months after the operative date of the rules and completed with dispatch. This six months provision shall also apply to subsequent amendments.

(d) Signature to permit: The construction official shall attach his signature to every permit; or he may authorize a subordinate to affix such signature thereto. By doing so he shall certify that each responsible subcode official shall have reviewed and approved the application for permit.

(e) Released plans: The construction official shall stamp or endorse in writing both sets of plans released, and one set of such released plans shall be retained and the other set shall be kept at the building site, open to inspection of the construction official or the construction official's authorized representative at all reasonable times.

(f) Revocation of permits:

1. The construction official may revoke a permit or approval issued under the provisions of this code in the following cases:

i. If the applicant has submitted any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; or

ii. If the project for which the permit was obtained is not completed by the third anniversary of the date of issuance of the permit or January 14, 2005, whichever is later. If a project is not completed by the such date, the permit holder may apply to the enforcing agency for a one-year extension of time for completion of the project. The enforcing agency shall not unreasonably withhold approval of any such extension request. If the project is not completed within the time allowed, the enforcing agency shall take such action under the code as may be appropriate, including, without limitation, demolition of the structure, in which case the legal authority of the jurisdiction shall institute appropriate action against the owner of the property for recovery of the costs incurred. The provisions of this subparagraph shall not apply to:

(1) Improvements to the interior of a building in which the permit holder is currently residing, if such improvements are not visible from outside of the property;

(2) Any building in which all exterior work and all required site improvements have been completed; or

(3) Any project currently under the control of a mortgagee in possession.

(g) Approval of part: The construction official shall issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this code. The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(h) Posting of permit: A true copy of the construction permit shall be kept on the site of operations open to inspection during the entire time of prosecution of the work and until the completion of the same.

(i) Notice of start: At least 24 hours notice of start of work under a construction permit shall be given to the construction official.

(j) Conditions of permit: The issuance of the construction permit shall be conditioned upon the following:

1. The payment of appropriate fees;

2. That work will conform to the requirements of the code applicable to the work for which the permit has been issued including prior approvals and any approved amendments thereto;

3. That the permit is a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of the regulations;

4. That the owner, his agent, contractor or other employees will assist the enforcing agency in its inspection work, if requested; and

5. That all escrows required to be paid by the applicant, pursuant to N.J.A.C. 5:23-4.17(d), in connection with work done under permits issued for development-wide violation correction, pursuant to N.J.A.C. 5:23-4.5(h)4, have been paid unless there is an appeal pending. For purposes of applying this paragraph, any escrow due from any person or entity affiliated with the applicant by way of having any common officers, directors, or shareholders with at least a ten percent interest shall be deemed to be due from the applicant.

(k) Upon request of the local health department, the construction official shall supply copies of permits issued for lead abatement work.

Amended by R.1993 d.420, effective September 7, 1993.

See: 25 N.J.R. 2158(a), 25 N.J.R. 4072(a).

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

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

Amended by R.1995 d.544, effective October 16, 1995.

See: 27 N.J.R. 2827(a), 27 N.J.R. 3933(a).

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

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

Amended by R.1998 d.36, effective January 5, 1998.

See: 29 N.J.R. 4214(a), 30 N.J.R. 193(a).

Deleted (k); recodified existing (l) as (k).

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

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

Rewrote the section.

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

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

In (a), rewrote 1 and added 2.

Amended by R.2004 d.364, effective October 4, 2004 (operative January 14, 2005).

See: 36 N.J.R. 2604(a), 36 N.J.R. 4440(a).

Rewrote (f).

Amended by R.2006 d.355, effective October 2, 2006.

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

In (j)4, substituted “; and” for a period at the end; and added (j)5.

Amended by R.2007 d.124, effective May 7, 2007.

See: 38 N.J.R. 3708(a), 39 N.J.R. 1669(a).

In (a)2, deleted “prototype” preceding “plan”, inserted “provided that the permit is complete,” and substituted “five” for “seven”.

Case Notes

Construction permit could be voided by developer suspending construction for period of more than six months. *Palatine I v. Planning Bd. of Tp. of Montville*, 133 N.J. 546, 628 A.2d 321 (1993).

5:23-2.16A Records retention

(a) Copies of the following documents shall be retained by the construction official for the life of the building or structure:

1. Construction applications;
2. Permits;
3. Permit updates;
4. Decisions on applications for variations;
5. Decisions of the Construction Board of Appeals;
6. Certificates of occupancy;
7. Elevator inspections;
8. The ongoing inspection control card; and
9. Notices of unsafe structure.

(b) Permits that have been revoked shall be kept for at least three years, or until the building or structure is demolished, whichever comes first.

(c) Plans and specifications including amended drawings, shall be retained by the construction official for a period of at least 10 years unless litigation is pending.

1. Plans and specifications, including amended drawings, shall be retained for the life of the building or structure for the following:

- i. Hospitals and emergency care facilities;
- ii. Fire, rescue and police stations;
- iii. Designated emergency shelters;
- iv. Designated emergency preparedness, communication, and operation centers;
- v. Power generating stations;
- vi. Buildings of Groups H-1 or H-2;
- vii. Prisons;
- viii. Casino hotels;
- ix. Aviation control towers;
- x. Air traffic control centers; and
- xi. Emergency aircraft hangers.

2. Inspection and certificate logs shall be retained by the construction official for a period of at least 10 years.

(d) Copies of additional documents may be retained at the discretion of the construction official.

New Rule, R.2006 d.24, effective January 17, 2006.

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

5:23-2.17 Demolition or removal of structures; abandoned wells

(a) Service connections: Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure, such as water, electric, gas, sewer and other connections. A permit to

4. Backflow preventers used to isolate high hazard sources of contamination as defined in the plumbing subcode: 12 months.

5. Swimming pools, spas and hot tubs: 12 months.

(m) Certificate of Approval: A certificate of approval shall be issued for all work that requires a construction permit but does not require a certificate of occupancy. No application shall be required for a certificate of approval.

(n) Revocation: The enforcing agency may revoke a certificate of occupancy whenever a condition of a certificate has been violated.

(o) Time limit: The provisions of the regulations do not preclude periodic certification pursuant to other applicable laws and ordinances.

(p) Lead Abatement Clearance Certificate: Following a lead hazard abatement job performed by a business firm or by an employee or employees of the owner of a property, a written application for a lead abatement clearance certificate shall be filed with the enforcing agency by the owner or the owner's agent. The application shall include a certification by the firm or person performing the work that all applicable provisions of N.J.A.C. 5:17 have been met, including the clearance requirements, and that the components or areas in the scope of work submitted in the permit application are lead safe.

1. When the lead hazard abatement work includes encapsulation or enclosure, the certification by the firm or person performing the work shall include any recommendations for on-going maintenance or precautions to be taken to maintain the integrity of the encapsulation or enclosure.

2. When all lead hazards identified in an evaluation report prepared by a firm licensed by the Department pursuant to N.J.A.C. 5:17 have been totally and permanently abated, the certification shall so state.

3. When an owner-occupant of a single-family house is performing the work, a lead abatement clearance certificate may be requested by the owner. The application for a lead abatement clearance certificate shall include a statement signed by a lead evaluation contractor certified by the Department pursuant to N.J.A.C. 5:17, or signed by an individual inspector/risk assessor certified by the New Jersey Department of Health pursuant to N.J.A.C. 8:62 indicating that the clearance standards contained in N.J.A.C. 5:17 have been met and that all components or areas in the scope of work submitted in the permit application have been rendered lead-safe.

i. When lead abatement work has been performed by an owner-occupant pursuant to an order issued by a local health department, a lead abatement clearance certificate shall be required.

4. When lead abatement work has been performed pursuant to an order issued by a local health department, no lead abatement clearance certificate shall be issued without the approval of the local health department.

5. When lead abatement work has been performed on a steel structure or other superstructure or in a commercial building, no lead abatement clearance certificate shall be required.

(q) The continued validity of a certificate of occupancy shall be contingent upon maintenance of the level of code compliance existing at the time of issuance of the certificate of occupancy and upon compliance with any orders issued by the construction official pursuant to N.J.A.C. 5:23-4.5(h)3.

Amended by R.1984 d.120, effective April 16, 1984.

See: 16 N.J.R. 179(a), 16 N.J.R. 873(a).

(c): "N.J.A.C. 5:23-2.14 have been determined ... have been found," "lawful" added.

Amended by R.1987 d.91, effective February 2, 1987.

See: 18 N.J.R. 2348(a), 19 N.J.R. 289(c).

Added new (i)2; renumbered (i)2.-9. as (i)3.-10.

Amended by R.1988 d.167, effective April 18, 1988.

See: 20 N.J.R. 223(b), 20 N.J.R. 893(b).

Added text to (b) "after the completion of the alteration".

Amended by R.1991 d.180, effective April 1, 1991.

See: 23 N.J.R. 257(a), 23 N.J.R. 1028(b).

In (i), deleted inspections of sprinkler systems, hazardous uses and places of assembly.

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

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

Potentially hazardous equipment approvals time-limited at (i); elevator requirements added at (j).

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

Amended by R.1993 d.421, effective September 7, 1993.

See: 25 N.J.R. 2161(a), 25 N.J.R. 4073(a).

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.1994 d.434, effective September 6, 1994 (operative January 1, 1995).

See: 26 N.J.R. 1911(a), 26 N.J.R. 3706(b).

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

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

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

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

Rewrote (j).

Amended by R.1997 d.302, effective July 21, 1997 (operative September 24, 1997).

See: 29 N.J.R. 2202(a), 29 N.J.R. 3242(b).

Added (m)5.

Amended by R.1998 d.28, effective January 5, 1998.

See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Amended (b); added new (c) and (d); recodified existing (c) as (e); recodified existing (d) as (f) and amended it to include reference to N.J.A.C. 5:23-6; recodified existing (e) through (m) as (g) through (o).

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

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

In (k), inserted references to installations throughout, inserted "and no installation shall be opened for use or occupancy" following "operation" and substituted "issued" for "reissued" at the end of the last sentence of the introductory paragraph, and added 5.

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

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

Rewrote k(4).

Amended by R.2001 d.347, effective October 1, 2001.

See: 32 N.J.R. 3218(a), 33 N.J.R. 3430(a).

Rewrote (g).

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

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

In (h), neutralized the gender reference and deleted "the approved plans" following "the permit" in 4 and rewrote 6; substituted "code" for "approved permit" throughout.

Amended by R.2003 d.385, effective October 6, 2003.

See: 35 N.J.R. 2423(a), 35 N.J.R. 4713(a).

Added (p).

Amended by R.2005 d.199, effective July 5, 2005.

See: 37 N.J.R. 565(a), 37 N.J.R. 2474(a).

In (g), inserted "list the work to be completed and shall" following "each subsequent renewal shall" and "specified" preceding "work" in the first sentence of 1, and added 2i.

Amended by R.2007 d.125, effective May 7, 2007.

See: 38 N.J.R. 3707(a), 39 N.J.R. 1671(a).

Added new (h); and recodified former (h) through (p) as (i) through (q).

Law Review and Journal Commentaries

Arbitration—Condominiums—Consumer Fraud Act. Steven P. Bann, 137 N.J.L.J. No. 2, 65 (1994).

Attorneys fees—Condominiums—Damages—DCA—PREDFDA. 132 N.J.L.J. No. 9, 45 (1992).

Case Notes

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

Condominium vendor committed unconscionable practice within scope of Consumer Fraud Act. *Cybul v. Atrium Palace Syndicate*, 272 N.J.Super. 330, 639 A.2d 1146 (A.D.1994), certification denied 137 N.J. 311, 645 A.2d 140.

Penalties could not be imposed on condominium vendor for failure to obtain temporary certificates of occupancy. *Department of Community Affairs, Div. of Housing and Urban Development v. Atrium Palace Syndicate*, 259 N.J.Super. 578, 614 A.2d 1069 (A.D.1992).

Purchasers were entitled to return of deposit for failure of vendors to timely perform. *Department of Community Affairs, Div. of Housing and Development v. Atrium Palace Syndicate*, 247 N.J.Super. 511, 589 A.2d 1046 (A.D.1991), certification denied 126 N.J. 338, 598 A.2d 895.

Not substantially complete condominium unit could not be occupied. *Department of Community Affairs, Div. of Housing and Development v. Atrium Palace Syndicate*, 247 N.J.Super. 511, 589 A.2d 1046 (A.D.1991), certification denied 126 N.J. 338, 598 A.2d 895.

Certificates of occupancy cannot bar occupancy. *Department of Community Affairs, Div. of Housing and Development v. Atrium Palace Syndicate*, 247 N.J.Super. 511, 589 A.2d 1046 (A.D.1991), certification denied 126 N.J. 338, 598 A.2d 895.

Developer's failure to timely issue temporary certificate of occupancy (TCO) required refund of purchasers' deposits. *Department of Community Affairs, Div. of Housing and Development v. Atrium Palace Syndicate*, 244 N.J.Super. 329, 582 A.2d 821 (A.D.1990), certification denied 126 N.J. 317, 598 A.2d 878.

Building does not qualify for property tax exemption if certificate of occupancy issued after assessment date; use of building for exempt purposes prior to issuance of certificate irrelevant to exemption issue (citing former N.J.A.C. 5:23-2.7). *Grace & Peace Fellowship Church, Inc. v. Cranford Twp.*, 4 N.J.Tax 391 (Tax Ct.1982).

5:23-2.23A Permits and certificates for multi-tenant buildings

(a) Construction permits for multi-tenant buildings shall be issued as follows:

1. A single construction permit shall be issued for the entire structure including all tenant spaces if:
 - i. The permit applicant is undertaking all the work;
 - ii. All the work is, or will be shown as, a single set of plans;
 - iii. All work is intended to be undertaken by the same team of contractors; and
 - iv. The certificate of occupancy or certificate of approval, as applicable, for all tenant spaces will be sought before or at the same time as that for the entire building. Plans for individual tenant spaces may be submitted as permit updates if all of the above conditions are met.

2. A separate permit shall be required for any tenant space if any of the following conditions apply:

- i. The tenant is undertaking the fit-up work within the tenant space;
- ii. The plans for the tenant space work will be prepared by a design professional different from the one that prepared the plans for the base building;
- iii. The work will be undertaken by one or more contractors who are different from the contractors for the base building; or
- iv. The permit is being applied for after a temporary certificate of occupancy or certificate of occupancy has been issued for the base building.

3. Fees for construction permits for multi-tenant buildings shall be applied pursuant to N.J.A.C. 5:23-4.18(c)6.

(b) Temporary certificates of occupancy for individual tenant spaces in multi-tenant buildings shall be issued as follows:

1. A temporary certificate of occupancy shall be issued for each tenant space provided that portion of the building may be occupied safely prior to full completion of the building, the common area(s) serving that tenant space has a temporary certificate of occupancy or a certificate of occupancy, and the unfinished portions of the building for which temporary certificates of occupancy or certificates of occupancy are not being sought do not present life safety hazards.

- i. Temporary certificates of occupancy may be issued floor by floor or tenant space by tenant space.

(16) Under construction Type IB for Group R-3, “11” shall be deleted and “4” shall be inserted. Under construction Type IIB for Group R-3, “4” shall be deleted and “3” shall be inserted. In addition, under construction Type IIIB for Group R-3, “4” shall be deleted and “3” shall be inserted. Finally, under construction Type VB for Group R-3, “3” shall be deleted and “2” shall be inserted.

(17) Under construction Type IB for Group R-4, “11” shall be deleted and “4” shall be inserted. Under construction Type IIB for Group R-4, “4” shall be deleted and “3” shall be inserted. In addition, under construction Type IIIB for Group R-4, “4” shall be deleted and “3” shall be inserted.

(18) Under construction Type IB for Group S-1, “11” shall be deleted and “5” shall be inserted. Under construction Type IIB for Group S-1, “3” shall be deleted and “2” shall be inserted. In addition, under construction Type IIIB for Group S-1, “3” shall be deleted and “2” shall be inserted. Finally, under construction Type VA for Group S-1, “3” shall be deleted and “2” shall be inserted.

(19) Under construction Type IB for Group S-2, “11” shall be deleted and “7” shall be inserted. Under construction Type IIB for Group S-2, “4” shall be deleted and “3” shall be inserted. In addition, under construction Type IIIB for Group S-2, “4” shall be deleted and “3” shall be inserted. Finally, under construction Type VA for Group S-2, “4” shall be deleted and “3” shall be inserted.

(20) Use Group U shall be deleted.

ii. In Section 505.4, Openness, Exception 5 shall be deleted in its entirety.

iii. In Section 506.2.2, Open space limits, “not less than 20 feet in width,” shall be inserted at the end of the sentence.

iv. Section 507.2, Unsprinklered, one story, shall be deleted in its entirety.

v. Section 507.4, Two-story, shall be amended as follows: In the first sentence, “building of Type I or Type II construction under” shall be inserted after “two-story.”

vi. In Table 508.3.3, Required Separation of Occupancies (Hours), “Uth” shall be deleted in the fourth row of the table.

7. Chapter 6, Types of Construction, shall be amended as follows:

i. In Table 602, Fire Resistance Rating Requirements for Exterior Walls Based on Fire Separation Distance^a, “U” shall be deleted from the heading of the fifth column. In addition, in the same table, at Note b, “and

Group U when used as an accessory to Group R3” shall be deleted.

ii. In Section 602.3, Type III, “(See FTO 14)” shall be inserted after “materials.” In addition, the second sentence shall be deleted.

8. Chapter 7, Fire-Resistance-Rated Construction, shall be amended as follows:

i. In Table 705.4, Fire Wall Fire Resistance Ratings, under the heading “Group,” “U” shall be deleted.

ii. Section 705.5, Horizontal continuity, Section 705.5.1, Exterior walls, and Section 705.5.2, Horizontal projecting elements, shall be deleted in their entirety. Section 707.6 of the 1996 BOCA National Building Code shall be inserted as follows: “Horizontal Continuity. Firewalls shall be made smoke tight at the junction of exterior walls. In exterior wall construction employing studs, the wall shall extend through the stud space to the exterior sheathing.”

iii. In Section 707.2, Shaft enclosure required, Exception 11 shall be deleted in its entirety.

iv. Section 707.14.1, Elevator lobby, shall be amended as follows: In the first sentence, “In buildings having occupied floors greater than 75 feet above the lowest level of fire department vehicle access” shall be inserted before “An.” In the same section, Exception 4 shall be deleted in its entirety.

v. Section 707.14.2, Enclosed elevator lobby pressurization alternative, shall be deleted in its entirety.

9. Chapter 9, Fire Protection Systems, shall be amended as follows:

i. In Section 903.1.1, Alternative protection, “fire code official” shall be deleted and “fire protection sub-code official” shall be inserted.

ii. New Section 903.1.2, Residential systems, shall be inserted as follows:

“903.1.2.1 Residential systems. Unless specifically allowed by this code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be recognized for the purpose of exceptions or reductions permitted by other requirements of this code.

iii. Section 903.2.1.2., Group A-2, shall be amended to add a new section 903.2.1.2.1 as follows: “903.2.1.2.1 In Group A-2 Nightclubs, the automatic sprinkler system shall be tied to the performance sound system and to the house lights in such a way that activation of the automatic sprinkler system mutes the performance sound system and restores the intensity of illumination to that required by 1003.2.11.1.”

iv. In Section 903.2.5, Group I, the exception shall be deleted and the following shall be inserted:

“Exceptions

1. An automatic fire sprinkler system installed in accordance with Section 903.3.1.2. shall be allowed in Group I-1 facilities.

2. For other than buildings of construction Types IIB or VB, an automatic fire sprinkler system shall not be required for Group I-4 child care facilities that are located at the level of exit discharge and that accommodate 100 or fewer children and in which each child care room has an exit door directly to the exterior.”

v. Section 903.2.10.1, Stories and basements without openings, shall be deleted in its entirety and Section 904.10 of the 1996 BOCA National Building Code shall be inserted as follows: “Windowless story: An automatic fire sprinkler system shall be provided throughout every story or basement of all buildings where there is not provided at least one of the following types of openings:

1. An exterior stairway that conforms to the requirements of Section 1005.3.6, or an outside ramp that conforms to the requirements of Section 1003.3.4, leading directly to grade in each 50 linear feet (15240 mm) or fraction thereof of exterior wall in the story or basement, on at least one side of the building.

2. Openings entirely above the adjoining ground level totaling 20 square feet (1.9 m²) in each 50 linear feet (15240 mm) or fraction thereof of exterior wall in the story or basement, on at least one side of the building. Openings shall have a least dimension of not less than 22 inches (559 mm), and shall have a minimum net clear opening of 5 square feet (0.5 m²). Access to such openings from the exterior shall be provided to the fire department and such openings shall be unobstructed to allow fire fighting and rescue operations from the exterior.

Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22860 mm) from such openings, the story shall be equipped throughout with an automatic fire sprinkler system or openings as specified herein shall be provided on at least two sides of the exterior walls of the story. If any portion of a basement is located more than 75 feet (22860 mm) from the openings required in this section, the basement shall be equipped throughout with an automatic sprinkler system.

Exception: Occupancies in Group R-3.”

vi. New Section 903.2.14, Automatic sprinkler system thresholds, shall be inserted as follows: “An automatic sprinkler system shall be required in accordance with Section 903.3.1.1 when the maximum area is exceeded for the following construction types of Groups B, F-2, and S-2 according to table 903.2.16, Automatic Sprinkler System Thresholds. All others not listed shall follow the applicable requirements as set forth in the IBC/2006.”

“Automatic Sprinkler System Thresholds

Group B

	IIB	IIIB	VB
Story	Max. Area	Max. Area	Max. Area
1	36,000	*	*
2	72,000 (36,000 per floor)	*	*
3	99,360 (36,000 per floor)	99,360 (36,000 per floor)	*

Group F-2

	IIB	IIIB	VB
Story	Max. Area	Max. Area	Max. Area
1	36,000	*	18,000
2	72,000 (36,000 per floor)	*	36,000 (18,000 per floor)
3	99,360 (36,000 per floor)	*	*

Group S-2a

	IIB	IIIB	VB
Story	Max. Area	Max. Area	Max. Area
1	36,000	36,000	18,000
2	72,000 (36,000 per floor)	72,000 (36,000 per floor)	36,000 (18,000 per floor)
3	99,360 (36,000 per floor)	99,360 (36,000 per floor)	*

a. Exception—Open parking structures in accordance with Section 406.3

*Requirements as set forth in the IBC/2006”

vii. Section 903.3.1.2.1, Balconies and decks, shall be deleted in its entirety.

viii. In Section 903.3.5, Water supplies, “International Plumbing Code” shall be deleted and “the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted.

ix. In Section 903.3.6, Hose threads, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

x. In Section 903.4.1, Signals, “or, when approved by the fire code official, shall sound an audible signal at a constantly attended location” shall be deleted. In addition, in the same section, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xi. Section 903.5, “Testing and Maintenance”, shall be deleted and the following shall be inserted in its

place: “903.5 Acceptance tests: All sprinkler systems with the exception of limited area sprinkler systems shall be tested in accordance with NFPA 13 listed in Chapter 35.

903.5.1 Flow test: All systems shall be tested at the test pipe to determine that water-flow detecting devices, including the associated alarm circuits, are in proper working order. Dry pipe systems shall deliver water to the inspector’s test pipe in not more than 60 seconds.

903.5.2 Limited area sprinkler system acceptance test. All limited area sprinkler systems, which are not connected to a building standpipe system, shall be tested hydrostatically for a minimum of 15 minutes without visible leakage at the working pressure under which the system is to be used. Limited area sprinkler systems, which are connected to a building standpipe system, shall be tested in accordance with NFPA 13 listed in Chapter 35.

xii. In Section 904.2, Where required, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xiii. In Section 905.2, Installation standards, Sections 915.4, 915.5, and 915.6 of the 1996 BOCA National Building Code shall be inserted as follows: “905.2.1 Piping design. The riser piping, supply piping and the water service piping shall be sized to maintain a residual pressure of at least 65 psi (448 kPa) at the topmost outlet of each riser while flowing the minimum quantities of water specified in Sections 905.2.1.1 and 905.2.1.2. The pipe size shall be based on the capacity of the automatic water supply system or, where an automatic water supply is neither required nor provided to maintain the residual pressure of 65 psi (448 kPa), the pipe size shall be based on a pressure of 150 psi (1,034 kPa) available at the fire department connection.

Exception: The residual pressure of 65 psi (448 kPa) is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and where the highest floor level is not more than 150 feet (45720 mm) above the lowest level of fire department vehicle access.

905.2.1.1 Riser sizing: The riser size shall be based on hydraulic calculations for a minimum flow of 500 gallons per minute (gpm) (1892 L/min.).

Exceptions:

1. Where only 1½-inch valves are provided, the riser(s) shall be sized to provide a minimum flow of 100 gpm (378 L/min.).

2. In buildings where limited area sprinkler systems are supplied with water from a common standpipe riser, the riser shall be sized to satisfy total demand.

3. For occupancies in Group B, I, R-1 or R-2 in buildings that are equipped throughout with an automatic

sprinkler system in accordance with Section 906.2.1, each riser shall be sized for a minimum flow of 250 gpm (945 L/min.).

4. Risers that are sized in accordance with the pipe schedule requirements of NFPA 14 listed in Chapter 35 are not subject to this requirement.

905.2.1.2 System pipe sizing: The system piping, including the horizontal or common feeder lines shall be sized for a minimum flow of 500 gpm (1,892 L/min.). Where more than one standpipe riser is required or provided, all common system piping shall be sized for a minimum flow of 500 gpm (1892 L/min.) for the first riser plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 1,250 gpm (4731 L/min.).

Exceptions

1. Where only 1½-inch valves are provided, the supply piping shall be sized for a minimum flow of 100 gpm (378 L/min.) for each riser, and the total shall not be required to exceed 500 gpm (1892 L/min.).

2. In buildings where limited area sprinkler systems are supplied with water from a common standpipe riser, the supply piping shall be sized for a minimum flow of 500 gpm (1892 L/min.) plus the sprinkler demand for the first riser, plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 1,250 gpm (4731 L/min.).

3. For occupancies in Group B, I, R-1 or R-2 in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, all common supply piping shall be sized for a minimum flow of 250 gpm (945 L/min.) for the first riser plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 750 gpm (2838 L/min.).

905.2.2 Water supply: A water supply for fire department equipment shall be available to the building site. The water supply shall be capable of a minimum flow as required by Section 905.2.1.2 for a duration of 30 minutes.

905.2.2.1 Automatic water supply: An automatic water supply is required for all standpipe systems. The automatic water supply and supply piping shall be capable of delivering a flow of 500 gpm (1892 L/min.) at the residual pressure specified in Section 905.2.1 for a duration of 30 minutes.

Exceptions

1. In buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 where the highest floor is located not more than 150 feet (45720 mm) above the lowest level of fire department vehicle access, the automatic water supply is not required to exceed the requirements of NFPA 13 listed in Chapter 35.

2. Dry standpipe systems installed in open parking structures.

905.2.2.2 Interconnection: The required water supply shall be connected to the base of each standpipe riser. Where more than one standpipe riser is required, all risers shall be interconnected with a common supply line. An approved indicating valve shall be installed to permit individual risers to be taken out of service."

905.2.3 Control valves: Where a standpipe system riser also serves as the automatic sprinkler system riser in building required to have both systems or in buildings having both systems, sprinkler control valves shall be installed at each floor level at the connection to the riser.

xiv. Add new section 907.2.1.3 as follows:

"907.2.1.3 Group A-2 Nightclubs. An automatic fire detection system shall be installed throughout all Group A-2 nightclubs with an occupant load of 100 or more. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke detectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected. The automatic fire detection system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by 1003.2.11.1.

Exception: Automatic fire detection systems are not required in buildings provided with an automatic sprinkler system throughout."

xv. New Section 905.3.2 shall be inserted as follows:

"905.3.2 Building area. In buildings exceeding 10,000 square feet (929 m²) in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet (60,960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

Exceptions:

1. Buildings equipped throughout with automatic sprinkler systems installed in accordance with Section 903.3.1.1.

2. Group A-4, A-5, F-2, R-2, S-2 or U occupancies.

3. Automatic dry and semiautomatic dry standpipes are allowed as provided for in NFPA 14.

xvi. Sections 903.5.3.2 through 903.5.3.7 shall be renumbered as 903.5.3.3 through 903.5.3.8 with no change in text.

xvii. In Section 905.4, Location of Class I standpipe hose connections, Items 1 and 2 shall be deleted in their entirety. Section 915.7 of the 1996 BOCA National Building Code shall be inserted as follows: "A standpipe hose connection shall be located at each floor level at every exit stairway, and on each side of the wall adjacent to the exit opening of a horizontal exit.

Exceptions

1. Where the floor areas adjacent to a horizontal exit are reachable from exit stairway outlets by a 30-foot (9,144 mm) hose stream from a nozzle attached to 100 feet (30,480 mm) of hose, a hose connection shall not be required at the horizontal exit.

2. Standpipe hose connections for systems required by Section 905.3.2. shall be permitted to be located only at exits such that all portions of the building floor area are not more than 200 feet (60,960 mm) from a hose connection or 200 feet (122 m) from the nearest point of fire department vehicle access."

xviii. In Section 905.4, in Item 6, Location of Class I standpipe hose connections, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xix. Section 905.4.2, Interconnection, shall be deleted in its entirety and Section 915.7.1 of the 1996 BOCA National Building Code shall be inserted as follows "905.4.2 Location: At each floor level and not more than 5 feet (1,524 mm) above the floor, there shall be connected to each standpipe a 2 ½ inch hose connection with valves and threads compatible with the connections used by the local fire department."

xx. In Section 905.5.3, Class II system 1-inch hose, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxi. In Section 907.2.6, Group I, the following shall be inserted at the end of the section: "Alarms activated by smoke detectors required by this section shall be activated by a single smoke detector monitored by an alarm verification zone or an approved equivalent method."

xxii. In Section 907.2.8, Group R-1, the following shall be inserted at the end of the section: "Alarms activated by smoke detectors required by this section shall be activated by a single smoke detector monitored by an alarm verification zone or an approved equivalent method."

xxiii. In Section 907.2.10, Single- and multiple-station smoke alarms, the following shall be inserted at the end of the section: "Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detectors and audible notification devices installed as required by this

section for smoke alarms, shall be permitted. The household fire alarm system shall provide the same level of smoke detection and alarm as required by this section for smoke alarms in the event the fire alarm panel is removed or the system is not connected to a central station."

xxiv. In Section 907.3.5, Protective covers, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxv. In Section 907.7, Presignal system, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxvi. Section 907.9.1.2, Employee work area, is deleted in its entirety.

xxvii. In Section 909.5.1, Leakage area, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxviii. In Section 909.7, Airflow design method, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxix. In Section 909.8, Exhaust method, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxx. In Section 909.9, Design fire, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxi. In Section 909.10, Equipment, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxii. In Section 909.15, Control diagrams, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxiii. In Section 909.18.8.3, Reports, "The report shall be reviewed by the responsible registered design professional and, when satisfied that the design intent has been achieved, the responsible registered design professional shall seal, sign, and date the report" shall be deleted.

xxxiv. In Section 909.18.8.3.1, Report filing, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxv. In Section 909.19, System acceptance, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxvi. In Section 909.20.6.3, Acceptance and testing, "Section 2702" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

xxxvii. In Section 912.1, Installation, insert the following at the end of the section:

"Exceptions

1. Limited area sprinkler systems supplied from the domestic water system.

2. Where the local fire department approves a single connection for a large diameter hose of at least four inches (102 mm).

3. An automatic sprinkler system with less than 20 sprinklers."

xxxviii. New section 912.2, Connections, shall be inserted as follows:

"912.2 Connections: Fire department connections shall be arranged in such a manner that the attachment to any one sprinkler connection will serve all sprinklers, and the attachment to any one standpipe connection will serve all standpipes within the building.

Exception: Fire protection systems in high rise buildings designed with a low zone and a high zone may be provided with a connection for each zone."

xxxix. Section 912.2, Location, shall be renumbered as 912.3 with no change in text. Additionally, Section 912.2.2, Existing buildings, shall be deleted in its entirety.

xl. New Section 912.4, Height, shall be inserted as follows:

"912.4, Height Fire department connections shall not be less than 18 inches (457 mm) and more than 42 inches (1,067 mm) in elevation, measured from the ground level to the centerline of the inlets."

xli. Sections 912.3, Access and 912.4, Signs shall be renumbered as 912.5 and 912.6 respectively, with no change in text.

xl. In Section 912.5, Backflow protection, "International Plumbing Code" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

10. Chapter 10, Means of Egress, shall be amended as follows:

i. The terms "Type A unit," "Type B unit," and "Accessible Unit" shall be deleted and "Adaptable or Accessible Unit" shall be inserted in the following sections: Section 1008.1.1, Exceptions 7 and 8; Section 1008.1.4, Exceptions 3 and 5; Section 1008.1.6, Exception; and Section 1008.1.7, Exception 3.

ii. In Section 1002, Definitions, in the definition of "Merchandise Pad," "as indicated in Section 105.2" shall be deleted.

iii. In Section 1003.2, Ceiling height, "7 feet 6 inches (2286 mm)" shall be deleted and "7 feet (2134 mm)" shall be inserted.

iv. In Section 1003.5, Elevation change, in Exceptions 1, 2, and 3, "Chapter 11" shall be deleted and "the barrier free subcode (N.J.A.C. 5:23-7)" shall be inserted.

v. In Section 1004.1.1, Areas without fixed seating, the exception shall be deleted in its entirety.

vi. In Section 1004.2, Increased occupant load, "7 square feet (.65 m²)" shall be deleted and "5 square feet (.47 m²)" shall be inserted.

vii. In Section 1007.5, Platform lifts, "Section 2702.2.6" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

viii. In Section 1008.1.3.5, Security grilles, "In Groups B, F, M, and S" shall be deleted and "horizontal" shall be capitalized.

ix. In Section 1008.1.4, Floor elevation, in Exception 3, "7.75 inches (197 mm)" shall be deleted and "8.25 inches (210 mm)" shall be inserted.

x. In Section 1008.1.6, Thresholds, in the exception, "7.75 inches (197 mm)" shall be deleted and "8.25 inches (210 mm)" shall be inserted.

xi. In Section 1008.1.8.1, Hardware, "locks" shall be deleted. In the same section, "Chapter 11" shall be deleted and "the barrier free subcode (N.J.A.C. 5:23-7)" shall be inserted.

xii. Section 1008.1.8.3, Locks and latches, shall be amended as follows: In Item 2, "Group A having an occupant load of 300 or less" shall be deleted. In the same item, "and in places of religious worship" shall be deleted. In the same section, Item 5 shall be inserted as follows: "5. Key operation shall be permitted from a dwelling unit provided that the key cannot be removed from the lock when the door is locked from the side from which egress is made."

xiii. In Section 1008.1.8.6, Delayed egress locks, "E" shall be deleted.

xiv. In Section 1009.3, Stair tread and risers, Exception 4, change the maximum riser height from "7.75 inches (197 mm)" to "8.25 inches (210 mm)", change the minimum tread depth from "10 inches (254 mm)" to "9 inches (229 mm)" and change the minimum winder tread depth at the walk line from "10 inches (254 mm)" to "9 inches (229 mm)." In the same section, Exception 5 shall be deleted.

xv. In Section 1009.10, Handrails, Exception 4 and 5 shall be deleted and the following shall be inserted: "4. For occupancies of Group R-3, and within the individual dwelling units and sleeping units of Group R-2, handrails shall not be required for stairways with fewer than three risers."

xvi. In Section 1012.2, Height, add the following text: "Exception: For occupancies of Group R-3, and

within individual dwelling units in occupancies of Group R-2, handrails shall have a minimum height of 30 inches and a maximum height of 38 inches measured vertically from the nosing of the treads."

xvii. After Section 1012.3, Handrail graspability, the following text shall be inserted: "Exception: For occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2, the handgrip portion of handrails shall have a maximum circular cross section of 2.625 inches (67 mm). Other handrail shapes that provide an equivalent grasping surface are permissible."

xviii. In Section 1013.2, Height, Exception 1 shall be deleted and the following shall be inserted: "For occupancies in Group R-3 and within individual dwelling units in occupancies of Group R-2, porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads."

xix. In Section 1013.3, Opening limitations, at the end of the second sentence, the following shall be inserted: "except for occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2."

xx. Section 1014.2, Egress through intervening spaces, shall be deleted in its entirety. Section 1006.2.1 of the 1996 BOCA National Building Code shall be inserted as follows: "Egress through adjoining spaces: Egress from a room or a space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas are accessory to the area served; are not a high-hazard occupancy; and provide a discernable path of travel to an exit. A maximum of one exit access shall be permitted to pass through a kitchen, storeroom, restroom, closet or similar space provided that a passage through such space is not the only means of access to an exit. An exit access shall not pass through a room subject to locking. Means of egress from dwelling units or sleeping areas shall not lead through other dwelling units or sleeping areas and shall not lead through toilet rooms or bathrooms."

xxi. In Table 1017.1, Corridor Fire Resistance Rating, under the heading "Occupancy," "U" shall be deleted from the third row. In addition, "Not Permitted" shall be deleted from the fifth row and "1" shall be inserted.

xxii. In Table 1019.2, Buildings with One Exit, under the heading "Occupancy," "U" shall be deleted from the first row.

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).

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).

2. A device has been approved following the inspection process, as required for minor work by N.J.A.C. 5:23-2.17A(d)2 and 12.2, by the application of an Inspection Sticker Approval for Elevator and a recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of approval.

i. The device may operate under the approval given under the permit until the next cyclical inspection, as determined by the inspection cycle of the building, and then shall be subject to a routine or periodic inspection the same as all other elevator devices in the building.

New Rule, 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).

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(b).

Amended by R.1996 d.512, effective November 4, 1996.

See: 28 N.J.R. 3697(a), 28 N.J.R. 4782(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 (d), added R-5 to the list of groups in the first sentence and rewrote the second sentence.

5:23-12.10 Inspections in seasonal facilities

(a) For purposes of this subchapter, a "seasonal facility" is defined as a building that is open, and available for use by members of the public, employees or maintenance personnel or any occupants, for a period of not more than 184 consecutive days and is then closed and not available for such use for at least 181 consecutive days.

(b) Elevator devices in seasonal facilities shall be subject only to the applicable periodic inspections and tests (one, three and five year). Such inspections and tests shall be performed prior to the building being used by employees, maintenance personnel, members of the public or occupants. A certificate of compliance or temporary certificate of compliance shall be granted only for the time period during which the device is allowed to operate in the seasonal facility.

1. The fees for performing such inspections and witnessing tests shall be in accordance with such provisions of N.J.A.C. 5:23-12.6 as may be applicable.

(c) An owner of a building with one or more elevator devices may obtain classification of the building as a "seasonal facility" from the local enforcing agency. A request for such classification shall contain the information in (d) below and shall be signed by the owner.

(d) An application for classification of a building as a seasonal facility shall include the following information:

1. The owner's name and address, the building address, the registration number, the device identification number(s), and the date of the last inspection;

2. That the total number of consecutive calendar days per year when the building is in use by the public, employ-

ees, maintenance personnel or occupants does not exceed 184 days and that the building is then closed for such use for at least 181 consecutive calendar days;

3. That the elevator devices in the building are not accessible to members of the public, employees, maintenance personnel or building occupants during the time in which the building is closed; and

4. That the disconnects located in elevator device machine rooms and machinery spaces are, during the time in which the building is closed, in the "off" position and locked; and that the access to the keys is secured.

(e) The seasonal facility classification shall become invalid when the conditions of the classification are no longer met. The owner shall immediately notify the enforcing agency of any change in the conditions upon which the approval of classification as a seasonal facility was based.

1. Classification of a building as a seasonal facility shall not be renewed if the classification became invalid as a result of a violation of any conditions of the approval of the classification.

(f) During the period of time in which any device in seasonal facility is in operation, it shall be subject to all applicable code requirements in the same manner as any other device subject to this subchapter.

New Rule, R.1996 d.323, effective July 15, 1996 (operative January 1, 1997).

See: 28 N.J.R. 2112(a), 28 N.J.R. 3549(a).

5:23-12.11 Notice concerning accidents

(a) Following an accident involving an elevator device, the owner of the building shall immediately notify the construction official, who shall immediately notify the elevator subcode official and the Department, when the accident meets at least one of the following conditions:

1. An accident involving an elevator device resulting in death or personal injury requiring medical treatment by a physician other than first aid.

i. For purposes of this section, "first aid" means the one time treatment or observation of scratches, cuts not requiring stitches, burns, splinters or contusions, or a diagnostic procedure, including examination and x-rays, which does not indicate any need for further medical treatment. First aid may be performed by licensed medical personnel or by other persons; or

2. An accident involving an elevator device in which the device is damaged as either a result or cause of the accident and which affects the future safe operation of the elevator device.

(b) It shall be unlawful to use an elevator device involved in an accident under (a)1 or 2 above until after an examination by the elevator subcode official has been made and approval of the equipment for continued use has been granted.

(c) It shall be the duty of the construction official to ensure that a prompt examination is conducted into any contributing code violation and/or mechanical malfunction affecting the safety of operation and that a full and complete report is forwarded to the Department pursuant to (f) below. In order to make such determinations, the construction official may request assistance from the Department.

(d) It shall be unlawful to remove from the premises any part of the damaged construction or operating mechanism of elevators, or other equipment subject to the provisions of this chapter, until permission to do so has been granted by the construction official.

(e) The construction official shall notify the Elevator Safety Unit about any accident within five working days after the accident is reported to the enforcing agency, except that accidents involving devices under the Department's jurisdiction shall be reported as soon as possible, but not later than the end of the next business day after an accident is reported to the construction official.

(f) Within five working days after an accident involving a device not under the Department's jurisdiction is reported to the enforcing agency, a copy of the Accident/Incident Report form and all attachments, as indicated in the form, shall be forwarded to the Elevator Safety Unit by the construction official.

(g) When a special inspection is performed by a person other than the Elevator Safety Unit subcode official, a copy of the Inspection Report shall be forwarded to the Elevator Safety Unit within five working days after the date of the special inspection.

New Rule, R.1997 d.64, effective February 18, 1997 (operative May 19, 1997).

See: 28 N.J.R. 4695(a), 29 N.J.R. 550(a).

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

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

Rewrote (a); added (b) through (d); and recodified (a)1 through (a)3 as (e) through (g).

5:23-12.12 Special safety equipment

(a) On all existing elevators, a space between the elevator hoistway door and the car door or gate shall comply with the requirements of Rule 204.4c of ASME A17.1-1990. Where the space exceeds the maximum distance, a space guard shall be installed to minimize the gap. Sight guards shall be installed along with the space guards on horizontally sliding type hoistways.

1. Freight elevators that are equipped with horizontally swinging doors, are not accessible to the general public, and are located in the factories, warehouses, garages, or similar buildings shall not be required to comply.