

(1) Release of plans: Plans complying with the provisions of the regulations shall be released by the Department and written notice of approval shall be given the applicant promptly and no later than 20 business days after the submission thereof. Plans failing to comply with the provisions of the code shall be rejected and a written notice of rejection, stating the grounds for rejection, shall be given to the applicant not later than 20 business days after the submission thereof. Whenever plans have been rejected and are thereafter revised and resubmitted, the revised plans shall be released if the 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.

(2) Endorsement of released plans: All plans and amendments thereto, when approved by the department, shall be stamped or endorsed "released", followed by a notation of the date of plan release. One set of such released plans shall be retained by the department, two sets of such released plans shall be submitted to the local enforcing agency with the application for construction permit as herein provided.

(3) Partial filing: When circumstances require, a project may be filed in part (that is, footings, structural, electrical, plumbing, and so forth). Each partial submittal shall include sufficient detail to assure that the proposed portion of work complies with the regulations. A plan "release" for such a portion of work shall be issued without prejudice as to whether a "release" shall be issued for the entire project.

(4) Construction permits: Owners and their agents shall not apply to a local enforcing agency for a construction permit for any building or structure for which a department plan review and release is required by N.J.A.C. 5:23-3, unless such review and release has been applied for and received by the applicant as evidenced by presentation of released plans to the local enforcing agency.

ii. Local enforcing agency plan review: Where a Department plan review is not required by the regulations, an applicant for a construction permit shall be deemed to have applied for a local enforcing agency plan review by filing an application for a construction permit.

(1) When the plans submitted with an application for a construction permit or amendment thereto are accompanied by plans which have been released by the Department, then further municipal plan review and fee therefor shall not be required. Release of the

plans by the Department shall not prevent enforcing agency officials from thereafter requiring correction of any errors in said plans or from issuing a stop work order when in violation of the regulations. In such case the enforcing agency shall notify the Department;

iii. Validity of plan or prototype release: The released plans or prototype (Department or local) shall be valid for the purposes of applying for a construction permit until six months after the operative date of the next edition of the code, as set forth in N.J.A.C. 5:23-1.6.

iv. Time limitation of application: An application for a permit for any proposed work shall be deemed to have been abandoned six months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the construction official may grant one or more extensions of time for additional periods not exceeding 90 days each.

v. Amended plans and specifications: Amendments may be filed at any time; such amendments shall be deemed part of the original application and, when released, shall be filed therewith. Amended plans and specifications shall be required where deviations affect matters controlled by the code and, in the judgment of the subcode official having jurisdiction, such amended plans are necessary to assist in the determination of code compliance. The official may require the affected portions of the work to be halted until amended plans and specifications are released. If the amendment involves a substantial deviation from the original application, a new affidavit of consent may be required by the construction official. If a Department plan review was required originally, the enforcing agency shall not permit an amendment to the plans or specifications unless the amendment has been released by the Department.

vi. Building systems: Structural, electrical and mechanical designs performed and certified by licensed architects or engineers need not be checked in detail by the staff of the enforcing agency, but shall remain as the responsibility of the professional certifying such design.

vii. A schematic or sketch plan, when required pursuant to this subsection, shall not be deemed to be a construction copy of a plan and shall therefore not be required to be signed or sealed by a registered architect or licensed professional engineer.

Amended by R.1985 d.352, effective July 15, 1985.

See: 17 N.J.R. 1031(a), 17 N.J.R. 1758(a).

(b)1i: deleted text "The registration number of the contractor", and added "A current validated . . . contractor and the".

Amended by R.1985 d.479, effective September 16, 1985.

See: 17 N.J.R. 1462(a), 17 N.J.R. 2248(b).

(b)2ii added. (d) text added "All issued permits . . .".

Administrative Correction: Cleaned up typographical errors.

See: 22 N.J.R. 2503(b).

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 (a)6 on Class I structure.
 Amended by R.1993 d.353, effective July 19, 1993.
 See: 25 N.J.R. 1629(a), 25 N.J.R. 3147(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.304, effective July 21, 1997.
 See: 29 N.J.R. 2204(a), 29 N.J.R. 3248(a).
 In (e)1, substituted "no fewer" for "no less"; and in (e)1i, inserted reference to accessible routes.
 Amended by R.1998 d.28, effective January 5, 1998.
 See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).
 Amended (a)6, (a)7v and (e)3v; inserted (a)8 and (e)1vii.
 Amended by R.2003 d.187, effective May 5, 2003.
 See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).
 Rewrote the section.
 Amended by R.2003 d.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).
 Rewrote (e).

Case Notes

Zoning permit may be required pursuant to Municipal Land Use Law but not Uniform Construction Code Act. *Acqua Development Corp. v. Township of Holmdel*, 287 N.J.Super. 578, 671 A.2d 636 (L.1995).

Compliance with former N.J.A.C. 5:23-2.5 requirements for permit to non-contractor owner to perform repairs. *Winn v. Margate City*, 204 N.J.Super. 114, 497 A.2d 928 (Law Div.1985).

Requirement of architect's or engineer's seal on plans does not broaden scope of engineering practice into architecture; engineer's plan limitations. *State Board of Architects v. North*, 197 N.J.Super. 349, 484 A.2d 1297 (Ch.Div.1984).

Prior-approval rule discussion; zoning matters involved in construction must be resolved before issuance of permits. *Bell v. Twp. of Bass River*, 196 N.J.Super. 304, 482 A.2d 208 (Law Div.1984).

Construction permit application and fee requirements under former N.J.A.C. 5:23-2.5; municipal requirement for payment of property taxes before issuance of permit invalid as preempted by legislation. *Home Builders League of South Jersey, Inc. v. Evesham Twp.*, 174 N.J.Super. 252, 416 A.2d 81 (Law Div.1980).

Construction permit applicant must provide assurances that prior approvals obtained. *Riggins v. Pinelands Commission*, 8 N.J.A.R. 441 (1985).

5:23-2.16 Construction permits—procedure

(a) Action on application: The construction official or the appropriate subcode official in the case of construction involving only one trade or subcode, shall examine or cause to be examined all applications for permits and amendments thereto, and approve or deny in whole or in part the application, within 20 business days. If the application is denied in whole or in part, the enforcing agency shall set forth the reasons therefor in writing. If an enforcing agency fails to grant, in whole or in part, or deny an application within 20 business days, such failure shall be deemed a denial of the 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 prototype plan which is to be used for the work covered by the permit application, the construction official shall act on the application within seven 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: The construction official may revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

(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.

(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.

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).

5:23-2.17 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 demolish or remove a structure shall not be issued until releases are obtained from all utilities that provided service to the property, stating that their respective service

connections and appurtenant equipment, such as meters and regulators, have been removed or sealed or plugged in a safe manner.

(b) Abandoned wells:

1. In the event that there is a well on the property that has been abandoned, or that will be abandoned in conjunction with the proposed demolition, a permit to demolish or remove a structure on that property shall not be issued until a certification has been obtained from a well driller licensed by the Department of Environmental Protection indicating that the well has been sealed in accordance with N.J.A.C. 7:9-9. If such certification is not presented within 15 days of the application for the permit, the construction official shall give notice of the absence of such certification to the Bureau of Water Allocation, Department of Environmental Protection, PO Box 029, Trenton, NJ 08625-0029.

2. Notice shall also be given by the construction official to the Bureau of Water Allocation in the event of any demolition activity found to have been undertaken without a permit at a building or premises currently or previously served by a well and in any other case in which no permit application for demolition has been made but the construction official becomes aware that a well has been, or is about to be, abandoned without having been sealed by a licensed well driller.

(c) Notice to adjoining owners: Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the demolition or removal of a building or structure.

(d) Lot regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of the appropriate subcodes.

(e) Asbestos abatement: Before a structure can be demolished or removed, the owner or agent shall document that the requirements of USEPA 40 CFR 61 subpart M have been or shall be met. A permit to demolish or remove the structure shall not be issued until the owner or agent notifies the enforcing agency that all friable asbestos or asbestos-containing material that will become friable during demolition or removal has been or will be properly abated prior to demolition.

Amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

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.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).

Added (b); and recodified existing (b) through (d) as (c) through (e).

5:23-2.17A Minor work

(a) The issuance of a permit shall not be required before minor work may proceed. The owner, or an architect or contractor acting on behalf of the owner, shall, however, provide notice of the work to the enforcing agency before work begins.

(b) Notice of work; application:

1. Notice of minor work shall be a personal or telephoned oral notice before work commences. This oral notice shall be provided to the enforcing agency between 9:00 A.M. and 5:00 P.M., Monday through Friday, except holidays. In those cases where the local enforcing agency is not open and available to receive notice at those times then notice shall be provided to the municipal clerk;

2. In addition to oral notice, the owner or his agent shall be required to file an application. The completed application with the fee shall be delivered in person or by mail to the enforcing agency, within five business days from the date of the oral notice.

(c) Minor work:

1. Minor work shall mean and include:

i. The construction or total replacement of any porch or stoop which does not provide structural support for any roof or portion of a building;

ii. Renovation or alteration work in an existing one or two-family dwelling, provided that no primary structural members are altered in any way, and further provided that the work does not constitute reconstruction; and

iii. The removal and replacement of more than 25 percent of the exterior siding of a one or two-family dwelling;

2. Minor work shall also mean and include the replacement of any existing plumbing piping work with new and approved material of like capacity; the installation of drinking fountains and condensate drains in existing structures; the replacement of existing low pressure hot water heaters with new ones of like capacity; and the new installation of lavatories, water closets, tubs, showers, washers or dishwashers, and garbage disposers in existing space of one and two-family dwellings where the new installation of additional fixtures can be accommodated with no increase in the size of the water distribution system, water service or house drain;

3. Minor work shall also mean and include new electrical work incidental to the installation of air conditioning, equipment, clothes dryers, and ranges or ovens in one and two-family dwellings; the installation of five or less 110 or 220 volt receptacles or fixtures where existing circuits and/or available space circuits and service are adequate to support the load; the replacement of existing wiring with new wiring of the same capacity provided that the new wiring shall be of a type approved for the use by the code;

4. Minor work shall also mean and include the following:

i. The installation of any fire detection or suppression device in any one-or two-family dwelling;

ii. The installation of a radon mitigation system in an existing one-or two-family dwelling;

iii. The installation of a burglar alarm or security system in any structure;

iv. The installation of communications wiring in any Class 1 or Class 2 structure or any Class 3 structure involving the penetration of a fire-resistance rated assembly.

(1) For the purposes of applying this provision, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode;

5. Minor work shall not include lead abatement.

6. Minor work on elevator devices shall also mean and include work as outlined below and not involving any structural modification to a building and as scoped within the applicable sections of Part XII of ASME A17.1 referenced in the building subcode:

i. Alteration to hoistway enclosures (ASME A17.1 Part XII, Rule 1201.1a, 1203.1a);

ii. Alteration to construction at top of hoistways (1201.1c) and at bottom of hoistways (1201.1d);

iii. Alteration to hoistways which affects control of smoke and hot gases (1201.1e);

iv. Construction and alteration of machine room and machinery spaces (1201.2, 1203.1b);

v. Installation and alteration of electrical equipment, wiring, pipes and ducts in hoistway and machine rooms (1201.3, 1203.1c);

vi. Alteration to pits (1201.6, 1203.1f);

vii. Alteration to bottom and top car counterweight clearances and runbys (1201.7, 1203.1g, 2508);

viii. Alteration to horizontal car and counterweight clearances (1201.8, 1203.1h);

ix. Additions, alterations or replacements of hoistway entrances (1201.10, 1203.1j);

x. Installation or alteration of hoistway door locking devices, access switches, parking devices and unlocking devices (1201.11, 1203.1k);

xi. Alteration or addition of power operation of hoistway doors (1201.12, 1203.1m);

xii. Alteration of spring buffers and bumpers (1202.2, 1203.2b);

xiii. Alteration of counterweights (1202.3; 1203.1d and 1203.2c);

xiv. Alteration of car frames and platforms (1202.4a, 1203.2d);

xv. Alteration of car enclosures, car doors, gates, and illumination of cars (1202.5 except installation of new cars, 1203.2e);

xvi. Use of freight elevators to carry passengers, hydraulic elevators only (1203.2j);

xvii. Relocation of power unit (1203.3f);

xviii. Replacement of tanks (1203.6);

xix. Addition or alteration of top-of-car operating devices (1202.12a, 1203.8a);

xx. Addition or alteration or car-leveling or truck-zoning devices (1202.12b, 1203.8b);

xxi. Alteration of anti-creep leveling devices (1203.8c);

xxii. Change of power supply, hydraulic elevators only (1203.8d);

xxiii. Addition of rope equalizers (1202.14c, 1203.9c);

xxiv. Addition of auxiliary rope-fastening devices (1202.14d);

xxv. Alteration of manual operating devices which are provided to manually operate elevators in case of power failure;

xxvi. Alteration of handrails on escalators and moving walks (1207.6, 1208.6);

xxvii. Alteration or addition of lighting and access to interiors and related electrical work (1207.14, 1208.14); and

xxviii. Alteration of entrances or egresses on escalators (1207.15).

(d) Inspection of minor work:

1. Inspections shall be required for minor work and the enforcing agency shall inspect any such work within 30 days of the request for inspection;

2. The construction official shall issue a certificate of approval stating that the work performed under a Minor Work Permit substantially complies with the UCC. The inspection shall be based upon what is visible at the time of said inspection and the certificate of approval shall so indicate.

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

Amended by R.1993 d.580, effective November 15, 1993.

See: 25 N.J.R. 3692(a), 25 N.J.R. 5145(c).

Amended by R.1993 d.663, effective December 20, 1993.

See: 25 N.J.R. 4546(a), 25 N.J.R. 5927(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.476, effective September 5, 1995 (operative January 1, 1996).

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

Rewrote (d).

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).

N.J.A.C. 5:23-2.17A(c)6xxv through xxvii, as added by R.1995 d.564, operative May 1, 1996.

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

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

Amended (c)1i through (c)1iii.

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

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

In (c)6, inserted a reference to 2508 in vii, inserted a new xxv, and recodified former xxv through xxvii as xxvi through xxviii.

Amended by R.2003 d.473, effective December 15, 2003.

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

In (c)6, substituted "modification" for "alteration".

Amended by R.2004 d.467, effective December 20, 2004.

See: 36 N.J.R. 2122(a), 36 N.J.R. 5709(b).

In (c), rewrote 4.

5:23-2.18 Inspections

(a) Preliminary inspection: Before issuing a permit, the construction official and appropriate subcode official shall, where necessary, examine or cause to be examined all buildings, structures and sites for which an application has been filed for a construction permit.

(b) Inspections during the progress of work: The construction official and appropriate subcode officials shall carry out periodic inspections during the progress of work to ensure that work inspected conforms to the requirements of the code.

1. Inspections of one-and two-family dwellings for which construction must cease until the inspection is made shall be limited to the following:

i. The bottom of footing trenches before placement of footings, except that in the case of pile foundations, inspections shall be made in accordance with the requirements of the building subcode;

ii. Foundations and all walls up to grade level prior to covering or back filling;

(1) For new construction, a foundation location survey showing all building corners of the foundation shall be submitted to the construction official as soon as possible after the installation of the foundation wall. A land surveyor licensed in the State of New Jersey shall prepare the survey. The proposed foundation location as shown on the original plot plan shall also be shown on the foundation location survey.

(A) Exception: A foundation location survey shall not be required for additions, decks, swim-

ming pools, sheds as described in N.J.A.C. 5:23-9.9 or similar structures.

(2) For new construction and additions, the foundation location survey for a building that is located in a flood plain shall include flood hazard certificates as required by section 1612.5 of the building subcode or section R301.2.4 of the one-and two-family dwelling subcode.

iii. Utility services, including septic;

iv. Mid-point inspections shall include the following:

(1) Building Subcode: All structural framing, connections, wall and roof sheathing, and insulation.

(A) The framing inspection shall take place after the rough electrical and plumbing inspections and after the installation of the heating, ventilation and/or air conditioning duct system.

(B) For buildings containing roof or other truss systems, a truss system and permanent truss bracing inspection shall be performed prior to the installation of any interior roof truss covering material. Where the truss design utilizes the interior finish as bracing for the bottom cord, that portion of the bracing shall be part of the final inspection and shall be in addition to the components of the final inspection in (d) below.

5. A commercial farm building may be used as a place of public assembly for not more than 15 days in a calendar year. For the purposes of enforcing this requirement, a public assembly shall be a gathering of 50 or more people. A permit shall be obtained from the local fire official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., and the fee for issuing the permit shall not exceed \$75.00 per event.

i. A commercial farm building that is used as a place of public assembly for not more than 15 days in a calendar year and that is provided with electricity shall comply with section 1003.2.11 of the building subcode.

ii. The use of a commercial farm building as a "special amusement building," as defined in the building subcode, shall be permitted only if a permit specific to special amusement buildings is issued by the local fire official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq. or if the building or portion thereof complies with N.J.A.C. 5:23-6.31(a)5vii.

6. Buildings containing any of the following uses are not included in the definition of a commercial farm building:

i. Residential structures;

ii. High hazard facilities, such as grain elevators or grain storage silos used to store products which are neither used nor produced on the farm itself;

iii. Processing facilities that include specialized machinery to perform functions other than the washing, cleaning, hydrocooling, vacuum cooling, grading, sizing and packing of agricultural or horticultural products, unless the exempted functions are only the first step in a sequence of processing to be performed on the farm;

iv. Mercantile structures, such as farm retail markets or nursery greenhouse retail sales areas;

v. Offices with either 11 or more occupants, or floor area of greater than 1,200 square feet; and

vi. Buildings that contain any use not included in the definition of commercial farm building, except incidental offices as provided in (d)9vii below.

7. A commercial farm building may include a use that does not meet the definition of a "commercial farm building," provided that the space that does not meet the commercial farm building definition is separate from the remainder of the building with the required fire separation assemblies and meets all applicable requirements of the building subcode.

8. Construction type, height and allowable area requirements for commercial farm buildings and structures shall be as specified in the building subcode and shall not exceed the area or height limitations of Table 503 for the type of construction used, except as follows:

i. The height and area of a one story commercial farm building of any type of construction shall not be limited if the building meets the exterior wall fire resistance rating as specified in section 507.2 of the building subcode and has a fire separation distance of 50 feet. In that case, a sprinkler system shall not be required.

ii. The height and area of a two story commercial farm building of any type of construction shall not be limited if the building meets the exterior wall fire resistance rating as specified in section 507.2 of the building subcode, is provided with an approved automatic fire suppression system throughout, conforming to the Uniform Construction Code and has a fire separation distance of 50 feet.

iii. Two or more commercial farm buildings excepted under (d)8i and ii above may be constructed on the same lot, or on an owner's contiguous lots without meeting the fire separation distance of 50 feet. However, the fire separation distance specified in Table 602 of the building subcode must be maintained between a commercial farm building and any building not eligible for the commercial farm building exemption.

9. Commercial farm buildings exempted under (d)8i above shall meet the following requirements in lieu of those requirements specified in the subsections of Chapter 10, Means of Egress, of the building subcode:

i. In lieu of the requirements of Section 1004.2.4, the maximum distance of travel from any point in the building to an exit shall not exceed 150 feet;

ii. In lieu of the requirements of Sections 1005.2.1 and 1005.2.2, one exit is required for each 15,000 square feet of floor area and fraction thereof;

iii. In lieu of the requirements of Section 1003.2.10, exit signs must be posted. Exit signs are not required to be illuminated;

iv. The provisions of Section 1003.2.11 shall apply in commercial farm buildings where the owner has determined to provide electricity. Where electricity is provided, any electric light provided in the commercial farm building shall be deemed to meet the means of egress lighting requirements and a back up power source shall not be required unless the commercial farm building will be used as a place of public assembly in accordance with (d)5 above.

v. In lieu of the requirements of Section 1003.2, occupancy is limited to 30 people;

vi. Lightning protection of the type required for the structure by NFPA 780, fire extinguishers and "no smoking" signs shall be provided;

vii. Offices with 10 or fewer occupants and a floor area not in excess of 1,200 square feet shall be consid-

ered incidental to the structure, if direct exit to the exterior is provided.

10. Site plans signed and sealed by a registered architect or a licensed engineer, pursuant to N.J.A.C. 5:23-2.15(e)1viii, shall not be required, provided that a sketch plan of the site is submitted to the construction official.

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.1986 d.448, effective November 3, 1986.

See: 18 N.J.R. 757(a), 18 N.J.R. 2194(a).

Deleted (b)1 and 4; recodified (b)2 and 3 to (b)1 and 2.

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

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

(b)1: model subcode revisions.

Amended by R.1988 d.144, effective April 4, 1988.

See: 19 N.J.R. 1778(a), 20 N.J.R. 783(a).

Changed (b)2 to (c) and (d).

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.603, effective November 20, 1995 (operative March 20, 1996).

See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).

Amended by R.1997 d.269, effective July 7, 1997.

See: 29 N.J.R. 968(a), 29 N.J.R. 2817(a).

Inserted (d)5i; in (d)6vi, amended N.J.A.C. reference; in (d)8, inserted reference to construction type and inserted “; except as follows:”; deleted (d)8i; recodified former (d)8i(1) through (3) as (d)8i through iii; inserted new (d)9iv; recodified former (d)9iv through vi as (d)9v through vii; and recodified former (e) as (d)10.

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

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

Substantially amended (b)1.

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

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

In (a)1, substituted a reference to rehabilitation for a reference to alteration, and changed guideline reference.

Administrative correction.

See: 33 N.J.R. 3735(a).

Amended by R.2003 d.157, effective April 21, 2003.

See: 34 N.J.R. 4247(a), 35 N.J.R. 1663(b).

In (d)5, added ii:

Administrative correction.

See: 35 N.J.R. 5062(a).

Amended by R.2003 d.425, effective November 3, 2003.

See: 35 N.J.R. 2424(a), 35 N.J.R. 5062(b).

Rewrote (d).

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

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

In(d)3, inserted the first sentence.

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

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

In (d)5, rewrote ii.

5:23-3.3 Enforcement

(a) In accordance with the delineation of responsibility for enforcement specified herein, subject to specific reservations by the Department to itself, the appropriate official(s) shall enforce the subcode and shall act on any question relative to the mode or manner of construction, and the materials to be used in the erection, addition to, repair, renovation, alteration, reconstruction, removal, demolition, installation of service equipment, and the location, use and occupancy of all buildings and structures, except as may be otherwise specifically provided for in the regulations, including, but not limited to:

1. Applications, certificates and permits: Such official(s) shall review applications for permits for the erection, repair (other than ordinary maintenance), renovation, alteration and reconstruction of buildings and structures; indicate approval or denial to the construction official; and inspect the premises for which such permits have been issued and enforce compliance with the provisions of the regulations.

2. Notices and orders: Such official(s) shall issue all necessary notices or orders to remove illegal or unsafe conditions; to require the necessary safeguards during construction; and to insure compliance with all requirements for the safety, health and general welfare of the public.

3. Inspections: Such official(s) shall make all the required inspections, and all reports of such inspections shall be in writing and certified by them or they may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the construction official and appointing authority.

4. Enforcing agency records: Such official(s) shall assist in the keeping of official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued as may be required by the construction official.

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

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

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

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

In (a), deleted a reference to other State agencies in the introductory paragraph, and substituted a reference to ordinary maintenance for a reference to ordinary repairs in 1.

5:23-3.4 Responsibilities

(a) Individual acting as a building subcode official or building inspector shall have the responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the building subcode official:

BUILDING SUBCODE

INTERNATIONAL BUILDING CODE

Chapter 3 ^F	Chapter 21 as follows:
Chapter 4 as follows:	2101.0-2110.0
401.0-402.11 ^F	2111.0-2113.0 ^F
402.14-403.5 ^F	Chapter 22-25
403.7-403.8 ^F	Chapter 26 as follows:
403.11 ^F	2601.0-2602.0
403.12	2603.0 ^F
404-404.6 ^F	2604.0
404.8-405.6 ^F	2605.0-2607.0 ^F
405.8 ^F	2608.0-2611.0
405.11 ^F	Chapter 28
406.1	Chapter 30 as follows:
406.1.1-406.1.2 ^F	3001.0-3001.2 ^{EL}
406.1.3-406.2.6	3001.3 ^{F, EL}
406.2.7-406.2.8 ^F	3001.4 ^{EL}

406.2.9
 406.3-406.6.4^F
 406.6.5-406.6.6.3^{F, E}
 407.0-412.1.4^F
 412.1.6-412.2.3
 412.2.4^F
 412.2.5
 412.2.6^F
 412.3-412.3.1
 412.3.2-412.4.6^F
 412.5
 413.0-414.5.3^F
 414.5.5-415.9.2.7^F
 415.9.2.8.2-416.4^F
 417.0-417.4
 418.0^F
 Chapter 5-6
 Chapter 7-8^F
 Chapter 10^F
 Chapter 12
 Chapter 14-1621.3.10
 1621.3.10.2-Chapter 20

3002.0-3002.2^{F, EL}
 3002.4-3002.7^{F, EL}
 3003.0-3003.1.4^{E, EL}
 3003.2-3004.4^{F, EL}
 3004.5^{EL}
 3005.0-3005.2^{F, EL}
 3005.3-3005.4^F
 3006.0-3006.4^{F, EL}
 3006.5^{E, EL}
 3006.6^{EL}
 Chapter 31 as follows:
 3101.0-3103.4
 3104.0-3104.11^F
 3105.0-3109.4
 Chapter 32
 Chapter 33 as follows:
 3301.0-3308.0
 3309.0^F
 3310.0
 3311.0-3312.0^F

Chapter 6^F
 Chapter 8^F
 Chapter 9^F
 (All except 908.5, 908.6
 and 908.7)
 Chapter 13 as follows:
 1301.2^{F, P}
 1301.3^F
 1301.4^{F, P}
 1306^F
 Chapter 14^P

ENERGY SUBCODE

CABO Model Energy Code

Chapter 1 as applicable	Chapter 6 as follows:
Chapters 3-4	602
Chapter 5 as follows:	603
502	
503	

ASHRAE Standard 90.1

Chapter 4 as applicable	Chapter 6 as applicable
Chapter 5	(Except 6.2.4.5 and 6.3.2.2)
	Chapter 11 as applicable

FUEL GAS SUBCODE

Chapter 3 as follows:
 301.8
 301.10
 301.11
 301.12
 301.13^F
 301.14
 301.15
 302
 308^F
 Chapter 5^F
 Chapter 6^F
 (All except 623, 625,
 626.2, 626.3, 626.8,
 626.9, 627.4 & 630)

E = Joint with Electrical Subcode Official
 EL = Joint with Elevator Subcode official for devices covered by N.J.A.C. 5:23-12 except those installed in Group R-3, R-4, or R-5 or in structures of Group R-2 where the elevator devices are wholly within dwelling units and not accessible to the general public.
 F = Joint with Fire Subcode Official.
 P = Joint with Plumbing Subcode Official.

2. Field inspection for the sections listed below shall be performed by an inspector possessing a building technical license:

BUILDING SUBCODE

INTERNATIONAL BUILDING CODE

Chapter 3	Chapter 5-8
Chapter 4 as follows:	Chapter 10
401.0-402.7	Chapter 12
402.10-402.11	Chapter 14-1621.3.10
402.14	1621.3.10.2-Chapter 20
403.1	Chapter 21

INTERNATIONAL RESIDENTIAL CODE

Chapter 3 as follows:
 R301
 R302^F
 R303-R309
 R310-R316^F
 R318-R321^F
 R322-R327
 Chapter 4-9
 Chapter 10^F
 Chapter 13 as follows:
 M1301 M1304^F
 M1308-
 Chapter 14^F
 (All except M1411.3 and
 M1412.2)
 Chapter 15-16^F
 Chapter 18-19^F
 Chapter 22 as follows:
 M2201.1^{FP}
 M2201.2-2201.3^F
 M2201.5^F

Chapter 23^P
 Chapter 24 as follows:
 G2404.4-G2404.9
 G2405
 G2409^F
 G2424.1-G2424.2^F
 G2424.3
 G2424.4-G2424.6^F
 G2424.7^F
 G2424.8-G2424.10^F
 G2424.11^F
 G2424.12-G2424.15^F
 G2425-G2445^F
 G2447.1^F
 G2447.4^F
 G2448.1-G2448.3^F
 G2449-G2451^F

ELECTRICAL SUBCODE

Section 250.52(A)(3) Concrete-Encased Electrode—as applicable

MECHANICAL SUBCODE

Chapter 3 as follows:
 301^F
 302
 308^F
 310^F
 311^F
 Chapter 4
 Chapter 5 as follows:
 501
 502^F through 511^F
 512
 513^F

403.4
 403.12-404.2
 404.5
 404.8-404.9
 405.2
 405.4
 406.0-406.3.8
 406.3.11-406.6.5
 407.0-407.4.2
 408.0-410.5.4
 411.0-411.2
 411.7-412.1.3
 412.1.6-412.2.5
 412.3-412.3.3
 4.12-3.5-4.12.4.4
 412.4.6
 412.5-4.13.2
 414.6.1
 415.0-415.7.1.6
 415.7.3.3-415.9.1
 415.9.2.2-415.9.2.7
 415.9.2.8.2-415.9.4.5
 415.9.5-415.9.5.7
 415.9.5.9-415.9.6.2.2
 415.9.6.3-415.9.6.4
 416.1-416.3.1
 417-418.6

INTERNATIONAL RESIDENTIAL SUBCODE

Chapter 3 as follows:
 R301-R316
 R318-R327
 Chapter 4-10
 Chapter 13 as follows:
 M1301-M1304
 M1308
 Chapter 14
 (All except M1411.3,
 M1412.2, and M1412.4)
 Chapter 15 as follows:
 M1501
 M1503
 Chapter 16
 Chapter 18 as follows:
 M1805.1
 Chapter 19
 Chapter 22 as follows:
 M2201.1-M2201.3
 M2201.5

ELECTRICAL SUBCODE

Section 250.52(A)(3) Concrete-Encased Electrode—as applicable

MECHANICAL SUBCODE

Chapter 3 as follows:
 301
 302
 Chapter 4
 Chapter 5 as follows:
 501
 502
 504

Chapter 28
 Chapter 30 as follows:
 3002.0-3002.1.2
 3002.4
 3004.0-3004.4
 3005.2.1-3006.4
 3006.6
 Chapter 31-32
 Chapter 33 as follows:
 3301.0-3308.0
 3310.0

510 through 512
 Chapter 6
 Chapter 8 as follows:
 801.3
 Chapter 9
 (All except: 908.5, 908.6
 and 908.7)
 Chapter 13 as follows:
 1301.2
 1301.3
 1301.4^P
 1306

ENERGY SUBCODE

CABO Model Energy Code

Chapter 1 as applicable	Chapter 6 as follows:
Chapters 3-4	602
Chapter 5 as follows:	603
502	
503	

ASHRAE Standard 90.1

Chapter 4 as applicable	Chapter 6 as applicable
Chapter 5	(Except 6.2.4.5 and 6.3.2.2)
	Chapter 11 as applicable

FUEL GAS SUBCODE

Chapter 3 as follows:
 301.8
 301.10 through 301.15
 302
 Chapter 5 as follows:
 501.3
 501.7
 501.11
 501.15.3
 503.5.3
 Chapter 6 as follows:
 602
 608 through 613
 614 (All except 614.4 and 614.5)
 616 through 618
 619 (except 619.4)
 620 through 622
 624
 626.1
 626.4 through 626.7
 627 (All except 627.4)
 628
 629
 632

P = Joint with Plumbing Subcode Official.

(b) An individual acting as a plumbing subcode official or plumbing inspector shall have the responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the plumbing subcode official:

BUILDING SUBCODE

INTERNATIONAL RESIDENTIAL CODE

Chapter 14 as follows:
 M1411.3-M1412.2
 Chapter 20-21
 Chapter 22 as follows:
 M2201.1^{BF}
 M2201.4
 M2202-M2204

PLUMBING SUBCODE

ALL

MECHANICAL SUBCODE

Chapter 3 as follows:
 305
 307
 Chapter 9 as follows:
 908.5
 908.6
 908.7^F
 Chapter 10
 Chapter 11
 Chapter 12
 Chapter 13 as follows:
 1301.2^{B, F}
 1301.4^{B, F}
 1302 through 1305
 1307
 1308
 Chapter 14^B

ENERGY SUBCODE

CABO Model Energy Code

Chapter 1 as applicable Chapter 6 as follows:
 Chapter 5 as follows: 604
 504

ASHRAE Standard 90.1

Chapter 4 as applicable Chapter 7
 Chapter 6 as follows: Chapter 11 as applicable
 6.2.4.5 and 6.3.2.2

FUEL GAS SUBCODE

Chapter 3 as follows:
 301.6
 307
 Chapter 4
 Chapter 6 as follows:
 623
 625
 626.2
 626.3
 626.8
 626.9
 627.4
 630

B = Joint with Building Subcode Official
 F = Joint with Fire Subcode Official

2. Field inspection for the sections listed below shall be performed by an inspector possessing a plumbing technical license.

BUILDING SUBCODE

INTERNATIONAL RESIDENTIAL CODE

Chapter 14 as follows: Chapter 23
 M1411.3-M1412.2 Chapter 24 as follows:
 M1412.4 G2411-G2423
 Chapter 20-21 G2446
 Chapter 22 as follows: G2447.2-G2447.3
 M2201.1 G2448.4
 M2201.4
 M2202-M2204

PLUMBING SUBCODE

ALL

MECHANICAL SUBCODE

Chapter 3 as follows:
 305
 307
 Chapter 9 as follows:
 908.5 through 908.7
 Chapter 10
 Chapter 11
 Chapter 12
 Chapter 13 as follows:
 1301.4^B
 1302 through 1305
 1307
 1308
 Chapter 14

ENERGY SUBCODE

CABO Model Energy Code

Chapter 1 as applicable Chapter 6 as follows:
 Chapter 5 as follows: 604
 504

ASHRAE Standard 90.1

Chapter 4 as applicable Chapter 7
 Chapter 6 as follows: Chapter 11 as applicable
 6.2.4.5 and 6.3.2.2

FUEL GAS SUBCODE

Chapter 3 as follows:
 301.6
 307
 Chapter 4
 Chapter 6 as follows:
 623
 625
 626.2
 626.3
 626.8
 626.9
 627.4
 630

B = Joint with Building Subcode Official

(c) An individual acting as an electrical subcode official or electrical inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the electrical subcode official:

BUILDING SUBCODE

INTERNATIONAL BUILDING CODE

Chapter 4 as follows:

- 402.12-402.13^F
- 403.6^F
- 403.10^F
- 404.7^F
- 405.7^F
- 405.9^F-405.10^F
- 406.5-406.6.6, 3^{B, F}
- 412.1.5^F
- 414.5.4^F
- 415.9.2.8-415.9.2.8.1^F

Chapter 30 as follows:

- 3003.0-3003.1.4^{B, EL}
- 3006.5^{B, EL}

ELECTRICAL SUBCODE

Article 90 Introduction

- Chapter 1
- Chapter 2
- 200-1 to 250-50(b)
- 250-50(c)^B
- 250-50(d) to 280-25

Chapter 3 as follows:

- 300-1 to 300-20
- 300-1^F
- 300-22 to 384

Chapter 4 as follows:

- 400 to 450 part B
- 450 part C^F
- 455 to 480

Chapter 5^F

Chapter 6 as follows:

- 600 to 610
- 620^{EL}
- 625 to 690
- 695^F

Chapter 7 as follows:

- 700 to 727
- 760^F
- 770 to 780

Chapter 8

Chapter 9

ENERGY SUBCODE

CABO Model Energy Code

- Chapter 1 as applicable
- Chapter 5 as follows:
- 505

Chapter 6 as follows:
605

ASHRAE Standard 90.1

- Chapter 4 as applicable
- Chapter 8 as applicable
- Chapter 9
- Chapter 10
- Chapter 11 as applicable

B = Joint with Building Subcode Official
 F = Joint with Fire Subcode Official
 E = Joint with Electrical Subcode Official
 EL = Joint with Elevator Subcode Official for N.J.A.C. 5:23-12 devices not installed in Group R-3, R-4, R-5 or in structures of Group R-2 in which the elevator devices are wholly within dwelling units and are not accessible to the general public.

2. Field inspection for the sections listed below shall be performed by an inspector possessing an electrical technical license.

ELECTRICAL SUBCODE

Article 90-Introduction

Chapter 1

Chapter 2 (All except for section 250.52(A)(3) Concrete-Encased Electrode)

Chapter 3-5

Chapter 6 as follows:

600-610

620 (Note: The following sections are enforced by the electrical inspector when devices covered by N.J.A.C. 5:23-12 are installed in any building excluding installations in Group R-3, R-4, or R-5 or in structures of Group R-2 where the elevator devices are located wholly within dwelling units and are not accessible to the general public.)

620-13 (on the line side of the machine room/machinery space disconnect(s))

620-22 (on the line side of the machine room/machinery space disconnect(s))

620-23

620-24

620-38 (for elect, equipment and materials only)

620-51 (except for (b), (c) and (d))

620-61(c) and 620-61(d) (on the line side of the machine room/machinery space disconnect(s))

620-85 (except for cartop receptacles)

620-91(b)

625-695

Chapter 7-9

N.J.A.C. 5:23-3.16(c) Automatic rain season device

ENERGY SUBCODE

CABO Model Energy Code

- Chapter 1 as applicable
- Chapter 5 as follows:
- 505
- Chapter 6 as follows:
- 605

ASHRAE Standard 90.1

- Chapter 4 as applicable
- Chapter 8 as applicable
- Chapter 9
- Chapter 10
- Chapter 11 as applicable

(d) An individual acting as a fire protection subcode official or fire protection inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the fire protection subcode official:

BUILDING SUBCODE

INTERNATIONAL BUILDING CODE

Chapter 3^B
 Chapter 4 as follows:
 401-402.11^B
 402.12-402.13^E
 402.14-403.5^B
 403.6^E
 403.7-403.8^B
 403.10^E
 403.11^B
 404-404.6^B
 404.7^E
 404.8-405.6^B
 405.7^E
 405.8^B
 405.9-405.10^E
 405.11^B
 406.1.1-406.1.2^B
 406.2.7-406.2.8^B
 406.3-406.6.4^B
 406.5-406.6.6.3^{B, E}
 407.0-412.1.4^B
 412.1.5^E
 412.2.4^B
 412.2.6^B
 412.3.2-412.4.6^B
 413-414.5.3^B
 414.5.4^E
 414.5.5-415.9.2.7^B
 415.9.2.8-415.9.2.8.1^E
 415.9.2.8.2-416.4^B
 418.0^B

Chapter 7-8^B
 Chapter 9
 Chapter 10^B
 Chapter 16 as follows:
 1621.3.10.1
 Chapter 21 as follows:
 2111.0-2113.0^B
 Chapter 26 as follows:
 2603.0^B
 2605.0-2607.0^B
 Chapter 30 as follows:
 3001.3^{B, EL}
 3002.0-3002.2^{B, EL}
 3002.4-3002.7^{B, EL}
 3003.2-3004.4^{B, EL}
 3005.0-3005.2^{B, EL}
 3005.3-3005.4^B
 3006.0-3006.4^{B, EL}
 Chapter 31 as follows:
 3104.0-3104.11^B
 Chapter 33 as follows:
 3309.0^B
 3311.0-3312.0^B

502^B through 511^B
 513^B
 Chapter 6^B
 Chapter 7
 Chapter 8^B
 (All except 801.3)
 Chapter 9^B
 (All except 908.5 and 908.6)
 908.7^P
 Chapter 13 as follows:
 1301.2^{B, P}
 1301.3^B
 1301.4^{B, P}
 1306^B

N.J.A.C. 5:23-3.20(c) Carbon monoxide alarms

ELECTRICAL SUBCODE

Chapter 3 as follows: 300-21 ^E	Chapter 6 as follows: 695 ^E
Chapter 4 as follows: 450 part C ^E	Chapter 7 as follows: 760 ^E
Chapter 5 ^E	

FUEL GAS SUBCODE

Chapter 3 as follows:
 301.1.1
 301.2 through 301.4
 301.4.1
 301.5
 301.7
 301.13^B
 303 through 306
 308^B
 Chapter 5^B
 Chapter 6^B
 (All except 623, 625, 626.2, 626.3, 626.8, 626.9, 627.4 and 630)
 B = Joint with Building Subcode Official
 P = Joint with Plumbing Subcode Official
 E = Joint with Electrical Subcode Official
 EL = Join with Elevator Subcode Official for N.J.A.C. 5:23-12 devices not installed in Group R-3, R-4, or R-5 or in structures of Group R-2 structures in which the elevator devices are wholly within dwelling units and not accessible to the general public.

2. Field inspection for the sections listed below shall be performed by an inspector possessing a fire protection technical license.

INTERNATIONAL RESIDENTIAL SUBCODE

Chapter 3 as follows:
 R302^B
 R310-R316^B
 R317
 R318-R321^B
 Chapter 10^B
 Chapter 13 as follows:
 M1301-M1304^B
 M1305-M1307
 Chapter 14^B
 (All except M1411.3 and M1412.2)
 Chapter 15-16^B
 Chapter 17
 Chapter 18-19^B
 Chapter 22
 M2201.1^{B, P}
 M2201.2-2201.3^B
 M2201.5^B

Chapter 24 as follows:
 G2404.2-2404.3
 G2406-G2408
 G2409^B
 G2424.1-G2424.2^B
 G2424.4-G2424.6^B
 G2424.7^B
 G2424.8-G2424.10^B
 G2424.11^B
 G2424.12-G2424.15^B
 G2425-G2445^B
 G2447.1^B
 G2447.4^B
 G2448.1-G2448.3^B
 G2449-G2451^B

MECHANICAL SUBCODE

Chapter 3 as follows:
 301^B
 303
 304
 306
 308^B
 310^B
 311^B
 Chapter 5 as follows:

BUILDING SUBCODE

INTERNATIONAL BUILDING CODE

Chapter 4 as follows: 402.8-402.9 402.12-402.13 402.15 403.2-403.3 403.5-403.8 403.10-403.11	Chapter 9 Chapter 16 as follows: 1621.3.10.1 Chapter 33 as follows: 3309.0 3311.0 3312.0
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404.3-404.4
 404.6-404.7
 405.1
 405.3
 405.5-405.11
 406.3.9-406.3.10
 406.6.6-406.6.6.3
 407.5-407.6
 410.6-410.7
 411.3-411.6
 412.1.4-412.1.5
 412.2.6
 412.3.4
 412.4.5
 414.0-414.6
 414.7
 415.7.2-415.7.3.2
 415.9.2.1-415.9.2.1.2
 415.9.2.8-415.9.2.8.1
 415.9.4.6
 415.9.5.8
 415.9.6.2.3
 415.9.7-415.9.11.4
 416.4

301.2 614.4
 301.3 614.5
 301.4 615
 301.5 619.4
 301.7
 303 through 306
 308
 Chapter 5
 (All except 501.3, 501.7, 501.11,
 501.15.3, 503.5.3)
 Chapter 16 as follows:
 1621.3.10.1

(e) An individual acting as an elevator subcode official or elevator inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the elevator subcode official:

INTERNATIONAL RESIDENTIAL CODE

Chapter 3 as follows:
 R317
 Chapter 13 as follows:
 M1305-M1307
 Chapter 15 as follows:
 M1502
 M1504-M1505
 Chapter 17
 Chapter 18
 (All except M1805.1)

Chapter 24 as follows:
 G2404.2-2404.3
 G2406-G2408
 G2409
 G2424.1-G2424.2
 G2424.4-G2424.6
 G2424.8-G2424.10
 G2424.12-G2424.15
 G2425
 G2426 (All except
 G2426.5.2)
 G2427-G2429
 G2432-G2434
 G2438.4-G2438.5
 G2442.4

MECHANICAL SUBCODE

Chapter 3 as follows:
 303
 304
 306
 308
 310
 311
 Chapter 5 as follows:
 503
 505 through 509
 513
 Chapter 7
 Chapter 8
 (All except 801.3)

Chapter 7
 Chapter 8 as follows:
 (All except 801.3)

N.J.A.C. 5:23-3.20(c) Carbon monoxide alarms

FUEL GAS SUBCODE

Chapter 3 as follows:
 301.1.1

Chapter 6 as follows
 603 through 607

BUILDING SUBCODE

INTERNATIONAL BUILDING CODE

Chapter 4 as follows[†]:
 403.9 3002.3
 3002.4-3004.4^{B, F}
 Chapter 30 as follows[†]:
 3004.5^B
 3001.0-3001.2^B 3005-3005.2^{B, F}
 3001.3^{B, F} 3006.0-3006.4^{B, F}
 3001.4^B 3006.5^{B, E}
 3002.0-3002.2^{B, F} 3006.6^B

ELECTRICAL SUBCODE

Chapter 6 as follows[†]:
 620^E

ELEVATOR SUBCODE

All (except as otherwise provided for in N.J.A.C. 5:23-12)
 B = Joint with Building Subcode Official
 E = Joint with Electrical Subcode Official
 F = Joint with Fire Protection Subcode Official
[†] These sections are enforced by the elevator subcode official when elevator devices covered by N.J.A.C. 5:23-12 are installed in any structure excluding installations in Group R-3, R-4, or R-5 or in structures of Group R-2 where the elevator devices are located wholly within dwelling units and are not accessible to the general public.

2. Field inspection for the sections listed below shall be performed by an inspector possessing an elevator technical license:

BUILDING SUBCODE
 INTERNATIONAL BUILDING CODE

Chapter 4 as follows[†]:
 403.9
 Chapter 30 as follows[†]:
 3001.0-3001.4
 3002.2-3002.3
 3002.5-3003.2
 3004.5-3005.2
 3006.5

ELECTRICAL SUBCODE

Article 620 as follows[†]:

Part A and B excluding Sections 620-13 and 620-22 on the line side of the machine room/machinery space disconnect(s)

Part C (except Sections 620-23 and 620-24)

Part D (except Section 620-38)

Part E

Part F excluding Sections 620-51 and 620-51(a)

Part G excluding Sections 620-61(c) and 620-61(d) on the line side of the machine room/machinery space disconnect(s)

Part H

Part J (except Section 620-85 with the provision that the car top receptacles remains the responsibility of the elevator inspector)

Part K except section 620-91(b)

ELEVATOR SUBCODE

All (except as otherwise provided for in N.J.A.C. 5:23-12)

[†] These sections are enforced by the elevator inspector when elevator devices covered by N.J.A.C. 5:23-12 are installed in any structure excluding installations in Group R-3, R-4, or R-5 or in structures of Group R-2 where the elevator devices are located wholly within dwelling units and are not accessible to the general public.

(f) Where responsibility for enforcement of a section is joint between two officials and there are conflicting opinions regarding enforcement, the construction official shall rule as to which interpretation or application shall be followed.

(g) Responsibility for enforcement of the Barrier Free Subcode and Radon Hazard Subcode shall be in accordance with N.J.A.C. 5:23-7.14 and 10.3, respectively.

(h) Any mechanical inspector employed by the Department or by a municipality, and so assigned by the construction official, shall have the responsibility for enforcement of the provisions of the code, except electrical, relating to the installation of mechanical equipment, such as refrigeration, air conditioning or ventilating apparatus, gas piping or heating systems, in Group R-3, R-4, or R-5 structures.

1. When assigned by the construction official, a plumbing subcode official shall have the responsibility for the enforcement of the provisions of the code, except electrical, for the replacement of heating or cooling equipment or water heaters in Group R-3, R-4, or R-5 structures. A plumbing subcode official need not be a mechanical inspector to perform these inspections.

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.1986 d.380, effective September 22, 1986.

See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a), 18 N.J.R. 2063(a).

Substantially amended.

Amended by R.1987 d.14, effective January 5, 1987.

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

(f)4 added; old (f)4-6 renumbered (f)5-7.

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

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

(a)1 through 4: model subcode revisions.

Amended by R.1990 d.226, effective May 7, 1990.

See: 21 N.J.R. 3696(a), 22 N.J.R. 1356(a).

Provisions for enforcement of radon subcode added at (g).

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

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

Text conformed to BOCA National Code/1990.

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

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

Other elevator devices covered; enforcement responsibilities clarified.

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.1992 d.183, effective April 20, 1992.

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

Enforcement of indoor air quality subcode assigned to building subcode official.

Amended by R.1993 d.187, effective May 3, 1993.

See: 25 N.J.R. 624(a), 25 N.J.R. 1875(a).

Added subsection (j); deleted "Allocation of enforcement" from heading.

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

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

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

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

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

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

In (g), deleted reference to exception to exclusive authority provided in N.J.A.C. 5:23-3.11(h).

Amended by R.1997 d.418, effective October 6, 1997.

See: 29 N.J.R. 3402(a), 29 N.J.R. 4286(a).

In (f), inserted reference to (j); and added (j)1.

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

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

Inserted (k) stating responsibility for the enforcement of the rehabilitation subcode.

Repeal and New Rule, R.1998 d.332, effective July 6, 1998.

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

Section was "Responsibility".

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

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

In (d)1 and (d)2, under "MECHANICAL SUBCODE", added references to N.J.A.C. 5:23-3.20(c).

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

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

In (b)2, changed Chapter 21 and Chapter 31 through 33 references in the Building Subcode, and inserted Chapter 12 reference in the Mechanical Subcode; and in (d)2, deleted a former Chapter 21 reference in the Building Subcode, and changed Chapter 12 reference in the Mechanical Subcode.

Amended by R.2001 d.141, effective May 7, 2001.

See: 32 N.J.R. 3917(a), 33 N.J.R. 746(a), 33 N.J.R. 1399(d).

In (b)1 and (b)2, deleted "as follows: (All except M-801.2)" following "Chapter 8" in the Mechanical Code; in (d)1, deleted "Chapter 8 as follows: M-801.2" in the Mechanical Code; in (d)2, deleted "3007.3" following "413.5.2", inserted "3305.0" following "414.5", and deleted "408.3.1", "3305.0" and "414.5" at the end of the Building Subcode, and deleted "Chapter 8 as follows: M-801.2" in the Mechanical Subcode.

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

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

In (a)1, (a)2, (b)1, (b)2, (d)1 and (d)2, rewrote Mechanical Subcode and inserted Fuel Gas Subcode.

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

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

In "ENERGY SUBCODE" categories of (a) through (c), listed specific sections of Chapters 5 and 6, relating to building subcode official responsibility.

Administrative correction.

See: 33 N.J.R. 3308(a).

Amended by R.2002 d.6, effective January 7, 2002.

See: 33 N.J.R. 2570(a), 33 N.J.R. 3883(a), 34 N.J.R. 268(a).

In (a), inserted "ELECTRICAL SUBCODE" in categories 1 and 2, and updated references to officials in "ENERGY SUBCODE" category 1; in (c)1 and 2, updated "ELECTRICAL SUBCODE" chapter references.

Amended by R.2003 d.240, effective June 16, 2003.

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

In (c)2, added "N.J.A.C. 5:23-3.16(c) Automatic rain sensor device".

Amended by R.2003 d.418, effective November 3, 2003.

See: 35 N.J.R. 21(a), 35 N.J.R. 5064(a).

Rewrote the section.

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

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

In (a), (b), and (c), inserted "CABO Model Energy Code" following "ENERGY SUBCODE" and added ASHRAE Standard 90.1 tables throughout.

Amended by R.2004 d.312, effective August 16, 2004.

See: 35 N.J.R. 4947(a), 36 N.J.R. 3894(d).

Rewrote the section.

5:23-3.5 Posting structures

(a) Posted use and occupancy: Every building and structure and part thereof designed for business, factory and industrial, high hazard, mercantile, or storage use, (use groups B, F, H, M and S) as defined in article 2 of the building subcode shall be posted on all floors by the owner with a suitably designed placard in a form designated by the building subcode official, which shall be securely fastened to the structure in a readily visible place, stating the use group and the live load and occupancy load.

(b) Posted occupancy load: Every building and structure and part thereof designed for use as a place of public assembly or as an institutional building for harboring people for penal, correctional, educational, medical or other care or treatment (use groups A, E and I) shall be posted with an approved placard designating the maximum occupancy load.

(c) Replacement of posted signs: All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed, or defaced and, if lost, removed or defaced, shall be immediately replaced.

(d) Posted hydraulic system data plate: In lieu of the nameplate of the referenced NFPA standard(s), fire sprinkler system contractors are required to identify hydraulically designed fire sprinkler systems by affixing a permanently marked weatherproof metal or rigid plastic sign at the alarm valve. The nameplate shall contain information relative to the design parameters of the system as indicated on Form No. F380. The plate shall be secured at the alarm valve with corrosion resistant wire, chain, or other approved means.

(e) Identifying emblems for structures with truss construction: Identifying emblems shall be permanently affixed to the front of structures with truss construction as required by N.J.A.C. 5:70-2.20.

1. The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by six inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem:

- i. "F" to signify a floor with truss construction;
- ii. "R" to signify a roof with truss construction; or
- iii. "F/R" to signify both a floor and roof with truss construction.

2. The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be installed and maintained by the owner of the building.

3. Detached one and two-family residential structures with truss construction that are not part of a planned real estate development shall be exempt from the requirements of (e) above, unless required by municipal ordinance.

4. Individual structures and dwelling units with truss construction that are part of a planned real estate development shall not be required to have an identifying emblem if there is an emblem affixed at each entrance to the development.

(f) Swimming pools, spas and hot tubs: A valid electrical certificate of compliance and a bonding and grounding certificate shall be posted by the owner in a conspicuous place in or around the pool pump house or equipment control room.

Amended by R.1989 d.555, effective November 6, 1989.

See: 21 N.J.R. 2783(a), 21 N.J.R. 3460(a).

Added reference to E Use Group (educational facilities) at (b).

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

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

Text conformed to BOCA National Code/1990.

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

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

Added (f).

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

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

Rewrote (d) and (e).

5:23-3.6 Standards; accepted practice

(a) This chapter, together with the subcodes, national standards and appendices it adopts by reference, shall be the primary guide to accepted engineering practice in respect to any material, equipment, system or method of construction therein specified.

(b) When this chapter and the subcodes, national standards and appendices it adopts by reference are silent, a manufacturer's recommendations for the installation of any material or assembly may be considered to be accepted engineering practice; provided, however, that a manufacturer's recommendations shall not be read to overrule this chapter or any subcode, national standard or appendix which it adopts by reference.

New Rule, R.1988 d.283, effective June 20, 1988.

See: 20 N.J.R. 699(a), 20 N.J.R. 1343(c).

Old text repealed and new text substituted.

Amended by R.1998 d.28, effective January 5, 1998.
See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Case Notes

Contractor not liable for injuries caused by failure of subcontractor to provide and install material in conformance with State building code. *Miltz v. Borroughs—Shelving, a Div. of Lear Siegler, Inc.*, 203 N.J.Super. 451, 497 A.2d 516 (App.Div.1985).

5:23-3.7 Municipal approvals of alternative materials, equipment, or methods of construction

(a) Approvals: Alternative materials, equipment, or methods of construction shall be approved by the appropriate subcode official provided the proposed design is satisfactory and that the materials, equipment, or methods of construction are suitable for the intended use and are at least the equivalent in quality, strength, effectiveness, fire resistance, durability and safety of those conforming with the requirements of the regulations.

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.

Case Notes

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

5:23-3.15 Plumbing subcode

(a) Rules concerning subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the Model Code of the National Association of Plumbing Heating Cooling Contractors, known as "The National Standard Plumbing Code/2000," as the plumbing subcode for New Jersey.

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

2. "The National Standard Plumbing Code/2000," may be known and cited as "the plumbing subcode."

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

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

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

i. The definition of the term "administrative authority" is deleted in its entirety, and substitute in lieu thereof the following language, "Unless otherwise defined herein, or unless the context clearly indicates otherwise, the term "administrative authority" for purposes of the plumbing subcode, shall mean the "plumbing subcode official."

ii. The definition of the term "approved" is amended to add after the word "authority" on line 2, the words "as defined in N.J.A.C. 5:23-3.7."

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

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

v. The term and definition of "code" are deleted.

vi. The term and definition of "family" are deleted.

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

viii. Add the following new definition after the definition of Swimming Pool: Swimming Pool, Public: A swimming pool located on any property other than a one or two family residential property and including, but not limited to, swimming pools open to the use of members, residents or the public.

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

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

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

iii. Section 2.5 is deleted in its entirety.

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

v. Section 2.12 is amended to delete subparagraph e.

vi. Section 2.16 is amended to insert the number "Forty-two" in the blank space under item (a), and to insert the number "Twenty-four" in the blank space under item (b). Under item (c), delete the words "as permitted in section 3.12.1."

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

viii. Section 2.19.2 is amended to delete the words "the Health Department or other agency having jurisdiction" and substitute in lieu thereof "The New Jersey Department of Environmental Protection."

ix. Section 2.25 (h) is amended to add at the end, the words "which does not otherwise adversely affect health and safety."

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

i. Section 3.1.1 is amended in the heading to delete the word "minimum" and under items (a) and (b) to

delete the words "Section 3.12.2" at the end and substitute in lieu thereof, the words "N.J.A.C. 5:23-3.7."

ii. Section 3.1.2 is amended to delete the words "at least" on line 1. Also the words "section 3.12" are deleted at the end of the first paragraph and substitute in lieu thereof, the words "N.J.A.C. 5:23-3.7."

iii. Section 3.1.3 is amended to delete the words "Section 3.12.2" on line 2 and in lieu thereof, substitute the words "N.J.A.C. 5:23-3.7."

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

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

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

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

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

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

i. Section 4.2.17(a) is amended to delete the phrase "or be approved by the administrative authority."

ii. Section 4.3.8(b)(3) is amended to delete the words "be approved by the Administrative Authority if such products are not listed or labeled" and to add the phrase "or as permitted under N.J.A.C. 5:23-3.7."

6. Chapter 5 of the plumbing subcode entitled, "Traps, Cleanouts and Backwater Valves" is amended as follows:

i. Section 5.3.2 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "administrative authority" on line 2.

ii. Section 5.3.4 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "administrative authority" on line 1.

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

i. Section 6.1.1 is amended to delete the phrase “in the opinion of the administrative authority” on line 1 and to add after line 3 the sentence “The determination of necessity shall be made by the plumbing subcode official in accordance with N.J.A.C. 5:23-3.3.”

ii. Section 6.1.7 is deleted in its entirety.

iii. Section 6.3.2e. is amended to delete the words “administrative authority” in line 2 and substitute in lieu thereof “authority having jurisdiction.”

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

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

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

ii. Section 7.4.4, Exception 2 is amended to read “Accessible water closets shall conform to the requirements of N.J.A.C. 5:23-7 et seq. Water closets, other than those required to be accessible, in facilities intended primarily for use by the elderly, shall be at least 17 inches high measured to the flood rim.”

iii. Section 7.16.4c is amended to add the phrase “common laundry rooms” after the word “and”.

iv. Section 7.18.2 is amended to add the phrase “in accordance with N.J.A.C. 5:23-3.3” after the words “Administrative Authority”.

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

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

vii. A new section 7.23 is added as follows:

“7.23 Safety Features for Spas and Hot Tubs

Spas and hot tubs shall comply with the following sections of ANSI/NPSI-2 1992:

9.4 Entrapment avoidance: If the suction outlet system, such as an automatic cleaning system, is a vacuum cleaner system which has a single suction outlet or multiple suction outlets which can be isolated by valves, then each suction outlet shall protect against user entrapment by either an antivortex cover or an equivalent means approved by the plumbing subcode official.

9.5 Outlets per pump: A minimum of two suction outlets shall be provided for each pump in the suction outlet system, separated by a minimum of three feet or located on two different planes; for example, one on

the bottom and one on the vertical wall, or one each on two separate vertical walls. These suction outlets shall be plumbed such that water is drawn through them simultaneously through a common line to the pump.

17.1 Obstructions and entrapment avoidance: There shall be no obstructions that can cause the user to be entrapped or injured. Types of entrapment can include, but not be limited to, such things as wedge or pinch-type openings and rigid, nongiving cantilevered protrusions.”

viii. A new section 7.24 is added as follows:

“7.24 Safety Features for Public Swimming Pools

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

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

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

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

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

ii. No means of isolating the two suction outlets shall be permitted that will cause one suction fitting to become the sole source of fluid to the pump. The single pipe to a pump suction inlet may be valved off to shut off the flow to the pump.”

9. Chapter 10 of the plumbing subcode, entitled “Water Supply and Distribution,” is amended as follows:

i. Section 10.2 is amended to add the words “in accordance with N.J.A.C. 5:23-3.3” after the words “Administrative Authority” on line 2.

ii. Section 10.4.2 is amended to delete the words “with the approval of the administrative authority” and in lieu thereof, substitute “in accordance with the rules of the New Jersey Department of Environmental Protection at N.J.A.C. 7:10-10;

iii. Section 10.4.3 is amended to read: “Potable water supplies shall be protected in accordance with the provisions of this code and where applicable the Safe Drinking Water Regulations (N.J.A.C. 7:10). The requirements of this code shall establish requirements for individual outlet protection. The requirements of the

Safe Drinking Water Act shall establish the requirements for containment.”;

iv. Section 10.4.4b is amended to delete the words “administrative authority” and in lieu thereof, substitute “authority having jurisdiction in accordance with N.J.A.C. 7:10-10.2(e).”

v. Section 10.4.9 is amended to delete the words “administrative authority” and in lieu thereof, substitute “authority having jurisdiction.”

vi. Section 10.5.6d. is amended to delete the words “and repair” on the first line, and to delete the third sentence.

vii. Section 10.8.1 is amended to add the phrase “as required by the Authority Having Jurisdiction” after the word “practice” on line 3.

viii. Section 10.15.1 is amended to add the phrase “Outlet temperature of hot water from lavatory faucets in public facility restrooms (such as those in service stations, airports, train and bus terminals, and conventions halls) shall be provided with a means to limit the maximum temperature to 110°F. as required in ASH-RAE 90.1-1999.”

10. Chapter 11 of the plumbing subcode, entitled “Sanitary Drainage Systems,” is amended as follows:

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

11. Chapter 12 of the plumbing subcode, entitled “Vents and Venting,” is amended as follows:

i. Section 12.4.5 is amended to delete the phrase “when approved by the administrative authority”.

ii. Section 12.5 is deleted in its entirety.

12. Chapter 13 of the plumbing subcode, entitled “Storm Water Drainage,” is amended as follows:

i. Section 13.1.2 is amended to delete the phrase “Administrative Authority” and in lieu thereof substitute “Authority Having Jurisdiction.”

ii. Section 13.1.5a through c is amended to read “subsoil drains shall be provided in accordance with the building subcode.”

iii. Section 13.1.10.1 is amended to delete the last sentence and to substitute in lieu thereof “Rainfall rates shall be based on Appendix A of the 1993 edition of the National Standard Plumbing Code. Appendix A shall be applied so that the applicable rainfall rate for Burlington and Ocean counties and all counties south shall be six inches per hour and for Mercer and Monmouth counties and all counties north, the applicable rainfall rate shall be five inches per hour.”

iv. Section 13.1.10.2, “Secondary Roof Drainage,” is deleted.

v. Section 13.1.10.4, “Equivalent Systems,” is deleted.

vi. Section 13.9.1 is amended to add the phrase “in accordance with N.J.A.C. 5:23-3.3” after the word “Authority” on line 3.

13. Chapter 14 of the plumbing subcode, entitled “Special Requirements for Health Care Facilities,” is amended as follows:

i. Section 14.13 is amended to replace the term “administrative authority” with the term “authority having jurisdiction.”

14. Except as otherwise indicated in (b) 14i below, sections 16.1 through 16.12.1.13 of chapter 16 of the plumbing subcode, entitled “Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewer Systems Are Not Available” are deleted in their entirety.

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

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

15. Chapter 17 of the plumbing subcode, entitled “Potable Water Supply System” and comprising sections 17.1 through 17.15.2 is deleted in its entirety.

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

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

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

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

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

iv. Section 18.8.1.2 is deleted.

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

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

vii. Section 18.9 is deleted.

viii. Section 18.10 is deleted.

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

18. Appendix E of the plumbing subcode, entitled “Special Design Plumbing Systems,” is amended as follows:

i. Section E.2.1 is amended to delete the words “local administrative authority” on line 1 and in lieu thereof, substitute “authority having jurisdiction.”

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

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

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

Amended by R.1983 d.12, eff. February 7, 1983, operative February 22, 1983.

See: 14 N.J.R. 1326(a), 15 N.J.R. 141(c).

Added (a) 3 and (c).

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

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

Section substantially amended.

Amended by R.1986 d.12, effective February 3, 1986.

See: 17 N.J.R. 2714(a), 18 N.J.R. 267(a).

(a)li had a change of address; (a)3 and (c) added.

Amended by R.1987 d.81, effective February 2, 1987.

See: 18 N.J.R. 2237(b), 19 N.J.R. 289(d).

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

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

Model subcode revisions.

Amended by R.1989 d.66, effective February 6, 1989.

See: 20 N.J.R. 2846(a), 21 N.J.R. 288(a).

Added (c).

Amended by R.1990 d.58, effective February 5, 1990.

See: 21 N.J.R. 3346(a), 22 N.J.R. 351(a).

Added (d) adopting the 1989 Supplement to the 1987 National Standard Plumbing Code.

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

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

Text added at (a)3; (d)3ii amended.

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

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

Text conformed to BOCA National Code/1990.

Amended by R.1991 d.326, effective July 1, 1991.

See: 23 N.J.R. 804(a), 23 N.J.R. 2044(a).

GPF set at 1.6; gravity water closets not permitted in commercial uses.

Amended by R.1991 d.571, effective November 18, 1991.

See: 23 N.J.R. 2619(a), 23 N.J.R. 3444(b).

Added new (c).

Amended by R.1992 d.67, effective February 3, 1992.

See: 23 N.J.R. 3602(a), 24 N.J.R. 404(b).

Low volume water closet exception added at (b)18i(1).

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

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

Amended by R.1995 d.122, effective March 6, 1995 (operative July 1, 1995).

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

Amended by R.1998 d.136, effective March 16, 1998.

See: 30 N.J.R. 4(a), 30 N.J.R. 1038(a).

In (b)9, added xii.

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

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

Rewrote the section.

Amended by R.2001 d.340, effective September 17, 2001.

See: 33 N.J.R. 1245(a), 33 N.J.R. 3308(b).

Rewrote the section.

Amended by R.2002 d.393, effective December 16, 2002.

See: 34 N.J.R. 2914(a), 34 N.J.R. 4428(a).

In (b)8, deleted former (ii) and recodified existing (iii) to (ix) as (ii) to (viii).

Case Notes

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

5:23-3.16 Electrical subcode

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

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the National Fire Protection Association, known as “The National Electrical Code 2002” as the electrical subcode for New Jersey.

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

2. The National Electrical Code 2002 may be known and cited as “the electrical subcode.”

i. Codes and standards referenced in the Fine Print Notes (FPNs) of the electrical subcode (NEC 2002) shall be considered adopted by reference to the extent prescribed by each related section. These codes and standards also are printed in DCA Bulletin #03-1, which contains a list of adopted codes and standards that are applicable to the enforcement of the electrical subcode.

3. The Commissioner hereby adopts the National Electrical Safety Code (ANSI C2-1997) for the installation of area lighting facilities by an electric utility on private property on metal poles with an underground electric feed.

i. Copies of the National Electrical Safety Code may be obtained from the Institute of Electrical and Electronic Engineers, Inc., PO Box 1331, 445 Hoes Lane, Piscataway, New Jersey 08855-1331.

(b) The following chapters or articles of the electrical subcode are amended as follows:

1. Article 80, entitled, “Administration and Enforcement,” is deleted in its entirety.

2. Article 90 of the electrical subcode, entitled “Introduction,” is amended as follows:

i. Section 90.4, entitled “Enforcement,” is amended to delete in the first paragraph the phrase, “authority having jurisdiction for enforcement of the code” and substitute in lieu thereof, the term “electrical subcode official.” And add a new last sentence in the first

paragraph: "Approval shall be in accordance with N.J.A.C. 5:23-2.9." Delete in the second paragraph the phrase "authority having jurisdiction" and substitute in lieu thereof the term "electrical subcode official" and add after "effective safety" the phrase "as provided in N.J.A.C. 5:23-2.9." Delete in the third paragraph the phrase "authority having jurisdiction" and substitute in lieu thereof the term "electrical subcode official" and delete the phrase "by the jurisdiction" after the word "adopted."

ii. Section 90.5, entitled "Mandatory Rules, Permissive Rules, and Explanatory Material," is amended to add "except as outlined under N.J.A.C. 5:23-3.16(a)2i" after the word "Code" in line 6 under paragraph (C).

3. Chapter 1 of the electrical subcode, Article 100, entitled "Definitions," is amended as follows:

i. The definition of the term "approved" is amended to delete the phrase "the authority having jurisdiction" and substitute in lieu thereof, the phrase "electrical subcode official. Approval shall be in accordance with N.J.A.C. 5:23-3.7, 3.8 and 3.8A."

ii. The definition of "Authority having jurisdiction" is replaced with "Unless otherwise specifically noted, the authority having jurisdiction for the Electrical Subcode shall be the Electrical Subcode Official."

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

4. Chapter 2 of the electrical subcode, entitled "Wiring and Protection," is amended as follows:

i. Section 210.12(B) of Article 210, entitled "Branch Circuits," is amended to insert the following sentence at the end of the section, "This requirement shall be considered optional."

5. Chapter 3 of the electrical subcode, entitled "Wiring Methods and Materials," is amended as follows:

i. Section 300.4(A)(1) is amended to delete the words from "so that the edge . . ." on line four through ". . . cannot be maintained" on line six and in lieu thereof substitute "as required by the building subcode. Where the distance from the edge of the hole to the nearest edge of the wood member is less than 32 mm (1¼ inches)."

ii. Section 334.12(A)(1) is deleted in its entirety.

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

i. Sections 514.11(B) and 514.11(C) are amended to delete the phrase "authority having jurisdiction" and substitute in lieu thereof the phrase "fire protection subcode official."

ii. Part II of Article 550, entitled "Mobile Homes, Manufactured Homes, and Mobile Home Parks" comprising sections 550.11 through 550.25 is deleted. Section 550.10 shall be retained.

(1) Exception—Part II is retained in its entirety in the case of mobile/manufactured homes undergoing repair, renovation, or alteration.

(A) Section 550.25 is amended to add the following sentence at the end of the section: "This requirement shall be considered optional."

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

(1) Section 551.1 is amended to delete the phrase "within or on recreational vehicles" on line 2.

(2) Parts II, III, IV, V and VI, comprising sections 551.10 through 551.60, are deleted in their entirety, with the exception of Figure 551.46(C), which shall be retained.

iv. The following amendments are made to Article 552, entitled "Park Trailers":

(1) Parts II and III comprising sections 552.10 through 552.20 are deleted in their entirety.

(2) Part IV comprising sections 552.40 through 552.59 is deleted with the exception of sections 552.43, 552.44 and 552.47 which shall be retained.

(3) Part V is deleted in its entirety.

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

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

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

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

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

Section substantially amended.

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

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

Model subcode revisions.

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

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

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

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

See: 22 N.J.R. 2503(b).

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

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

Text conformed to BOCA National Code/1990.

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

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

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

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

Rewrote the section.

Amended by R.1998 d.362, effective July 20, 1998.

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

In (a), inserted a new 3.

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

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

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

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

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

Rewrote the section.

Amended by R.2003 d.240, effective June 16, 2003.

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

Added (c).

Case Notes

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

5:23-3.17 Fire protection subcode

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

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

i. International Building Code/2000 of the International Code Council, Inc. (N.J.A.C. 5:23-3.14):

- (1) Chapter 3—Use and Occupancy Classification;
- (2) Chapter 4—Special Detailed Requirements Based on Use and Occupancy;
- (3) Chapter 7—Fire Resistance—Rated Construction;
- (4) Chapter 8—Interior Finishes;
- (5) Chapter 9—Fire Protection Systems and N.J.A.C. 5:23-3.5(d) entitled "Posted Hydraulic System Data Plate";

(A) Section 907.2.6 shall be amended as follows: Add the following text to the end of this section: "Alarms activated by smoke detectors required by this section shall be activated by either two cross-zoned smoke detectors with a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method."

(B) Section 907.2.8 shall be amended as follows: Add the following text to the end of this section: "Alarms activated by smoke detectors required by this section shall be activated by either two cross-zoned smoke detectors with a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method."

(6) Chapter 10—Means of Egress;

(7) Sections 2111 through 2113 of Chapter 21—Masonry;

(8) Sections 2603 through 2607 of Chapter 26—Plastic;

(9) Section 3104 of Chapter 31—Special Construction;

(10) Section 3309, 3311 and 3312 of Chapter 33—Safeguards During Construction;

ii. National Electrical Code/2002 of the National Fire Protection Association (N.J.A.C. 5:23-3.16).

(1) Section 300.21 of Chapter 3—Wiring Methods and Materials;

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

(3) Chapter 5—Special Occupancies;

(4) Article 695—Fire Pumps of Chapter 6—Special Equipment;

(5) Article 760—Fire Alarm Systems of Chapter 7—Special Conditions;

iii. International Mechanical Code/2000 of the International Code Council (N.J.A.C. 5:23-3.20):

(1) Chapter 3—General Regulations;

(2) Chapter 5—Exhaust Systems;

(3) Chapter 6—Duct Systems;

(4) Chapter 7—Combustion Air;

(5) Chapter 8—Chimneys and Vents;

(6) Chapter 9—Specific Appliances, Fireplaces and Solid Fuel Burning Equipment;

(7) Chapter 13—Fuel Oil Piping and Storage;

iv. International Fuel Gas Code/2000 of the International Code Council (N.J.A.C. 5:23-3.22):

(1) Chapter 3—General Regulations;

(2) Chapter 5—Chimneys and Vans;

(3) Chapter 6—Specific Appliances.

2. The model code portions listed above may be known as "the fire protection subcode."

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

1. The modifications made to the appropriate portion of the adopted model code in N.J.A.C. 5:23-3.14 (Building Subcode), N.J.A.C. 5:23-3.16 (Electrical Subcode), N.J.A.C. 5:23-3.20 (Mechanical Subcode) and N.J.A.C. 5:23-3.22 (Fuel Gas Subcode) will apply also to those portions as regards this adoption.

Amended by R.1981 d.132, effective May 7, 1981.
 See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).
 Amended by R.1984 d.314, effective August 6, 1984.
 See: 16 N.J.R. 1139(a), 16 N.J.R. 2084(b).
 Section substantially amended.
 Amended by R.1986 d.380, effective September 22, 1986.
 See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a).
 Substantially amended.
 Amended by R.1987 d.374, effective September 21, 1987.
 See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
 Model subcode revisions.
 Amended by R.1990 d.253, effective May 21, 1990.
 See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).
 Reference to 1989 Supplement added; (a)1i(7) amended.
 Amended by R.1990 d.507, effective October 15, 1990.
 See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).
 Text conformed to BOCA National Code/1990.
 Amended by R.1993 d.662, effective December 20, 1993.
 See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).
 Amended by R.1998 d.332, effective July 6, 1998.
 See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).
 Rewrote (a).
 Amended by R.2000 d.166, effective April 17, 2000.
 See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).
 In (a)1i(5), added a second sentence.
 Amended by R.2000 d.492, effective December 18, 2000.
 See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).
 In (a)1ii, changed "1996" to "1999".
 Amended by R.2001 d.196, effective June 18, 2001.
 See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).
 In (a)1, inserted reference to the fuel gas subcode in the introductory paragraph, rewrote iii and inserted iv; in (b)1, inserted reference to the Fuel Gas Subcode.
 Amended by R.2003 d.351, effective September 2, 2003.
 See: 35 N.J.R. 1177(a), 35 N.J.R. 4051(a).
 In (a), substituted "are" for "area" in the introductory paragraph and rewrote (i) and (ii) in 1.

Case Notes

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

5:23-3.18 Energy Subcode

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

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the Council of American Building Officials, Inc., known as the Model Energy Code/1995, as the energy subcode for New Jersey.

i. Copies of the CABO Model Energy Code/1995 may be obtained from BOCA International, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

ii. The model code listed above may be known and cited as the "energy subcode."

(b) The following chapters and sections of the energy subcode are amended as follows:

1. The following amendments are made to Chapter 1 of the energy subcode titled "Administration and Enforcement":

- i. Section 101.1 "Title" is deleted.
- ii. Section 101.3 "Compliance" is amended to add the following sentence after the first bullet item: "Residential buildings provided with high efficiency equipment (90 percent AFUE for furnace 85 percent AFUE for boilers and 8.0 HSPF for air source heat pumps) shall be exempt from the requirement to insulate basement walls. Code requirements for other envelope components must meet the component performance approach requirements of Chapter 5."
- iii. Subsection 101.4.3 "Application to existing buildings" is deleted.
- iv. Subsections 102.1.2 and 102.1.3 are deleted.
- v. Section 102.2 "Maintenance information" is deleted.
- vi. Section 104 "Plans and specifications" is deleted.
- vii. Section 105 "Inspection" is deleted.
- viii. Section 106 "Validity" is deleted.

2. The following amendments are made to Chapter 2 of the energy subcode titled "definitions":

- i. The term "building official" is deleted, and the following language is substituted: "For the purpose of the energy subcode, the term "building official" shall mean the appropriate subcode official as designated in N.J.A.C. 5:23-3.4."
- ii. The term "building project" is deleted.

3. The following amendments are made to Chapter 3 of the energy subcode, titled "Design Conditions":

- i. Section 302.1 is amended to read as follows: "Design conditions shall be based on the values from the 97½ percent column for winter and the 2½ percent column for summer from climate tables in Standard RS-1 listed in Chapter 8 for the nearest listed location."
- ii. Table 302.1 is deleted.

4. The following amendments are made to Chapter 5 of the energy subcode titled "Residential Building Design by Component Performance Approach":

- i. Table 502.2.1a is amended as follows:

Table 502.2.1a
 Heating and Cooling Criteria

Heating degree days/county 4,500	Element Walls	Mode Heating or Cooling	Type A1 Buildings Uo .150	Type A2 Buildings Uo .215
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Heating degree days/county	Element	Mode	Type A1 Buildings Uo	Type A2 Buildings Uo
Atlantic, Camden, Cape May, Cumberland, Gloucester, Salem	Roof/Ceiling	Heating or Cooling	.033	.033
	Floors over unheated space	Heating or Cooling	.05	.05
	Unheated/heated slab on grade	Heating	R value-4/R-6	R value-4/R-6
	Basement Wall see notes 2, 3, 4	Heating or Cooling	.1	.1
	Crawl Space Wall see notes 2, 3	Heating or Cooling	.075	.075
5,000	Walls	Heating or Cooling	.141	.215
Burlington, Essex, Hudson, Mercer, Middlesex, Monmouth, Ocean, Union	Roof/Ceiling	Heating or Cooling	.031	.031
	Floors over unheated space	Heating or Cooling	.050	.0500
	Unheated/heated slabs on grade	Heating	R value-4.3/6.4	R value-4.3/6.4
	Basement Wall see notes 2, 3, 4	Heating or Cooling	.1	.1
	Crawl Space Wall see notes 2, 3	Heating or Cooling	.060	.060
5,500	Walls	Heating or Cooling	.134	.215
Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex, Warren	Roof/Ceiling	Heating or Cooling	.028	.028
	Floors over unheated space	Heating or Cooling	.050	.050
	Unheated/heated slabs on grade	Heating	R-4.7/6.7	R-4.7/6.7
	Basement Wall see notes 2, 3, 4	Heating or Cooling	.0975	.0975
	Crawl Space Wall see notes 2, 3	Heating or Cooling	.060	.060

1. Values were determined using the graphs (Figures 1, 2, 3, 4, 5 and 6) contained in Chapter 8.
2. Basement and crawl space wall U-values shall be based on the wall components and surface air film. Adjacent soil shall not be considered in the determination of the U-value.
3. Typical foundation wall techniques can be found in standard RS-20 found in Chapter 8.
4. The need for basement wall insulation shall be waived when the residential building is provided with high efficiency mechanical equipment (furnaces 90 percent AFUE or greater, boilers 85 percent AFUE or greater).

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

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

ii. Section 702.2 is amended to read:

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

The exception is amended to read:

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

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

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

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

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

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

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

Substantially amended.

Amended by R.1988 d.50, effective February 1, 1988.

See: 19 N.J.R. 1862(b), 20 N.J.R. 268(a).

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

Amended by R.1988 d.417, effective September 6, 1988.

See: 20 N.J.R. 699(b), 20 N.J.R. 2274(a).

Substantially amended.

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

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

Text conformed to BOCA National Code/1990.

Amended by R.1991 d.326, effective July 1, 1991.

See: 23 N.J.R. 804(a), 23 N.J.R. 2044(a).

Section E-502.1 deleted.

Amended by R.1991 d.429, effective August 19, 1991.

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

Rewrote the section.

Administrative change.

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

Administrative correction.

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

Case Notes

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

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

5:23-3.19 Manufactured home subcode

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

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

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

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

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

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

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

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

See: 13 N.J.R. 171(a), 14 N.J.R. 142(a).

This section was recodified from 5:23-3.9.

5:23-3.20 Mechanical subcode

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

1. Pursuant to authority of P.L. 1975, c.217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Mechanical Code/2000. This code is hereby adopted by reference as the Mechanical Subcode for the State of New Jersey subject to the modifications stated in (b) below.

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

ii. The International Mechanical Code/2000 may be known and cited as the "mechanical subcode."

2. Any references to the International Building Code, International Plumbing Code, ICC Electrical Code, International Fire Code or the International Energy Conservation Code listed in Chapter 15 shall be considered a reference to the appropriate adopted building, plumbing, electrical, BOCA National Fire Prevention Code-1996 or energy subcode in N.J.A.C. 5:23-3.

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

(b) The following chapters, sections or pages of the International Mechanical Code/2000 are amended as follows:

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

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

i. Section 201.3 is amended to delete the words "International Building Code, ICC Electrical Code, International Fire Code, International Plumbing Code," and in lieu thereof substitute "building, electrical, fire protection, and plumbing subcodes."

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

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

- iv. The definition of the term "building" is deleted and substitute the definition found in N.J.A.C. 5:23-1.4.
 - v. The definition of the term "code" is deleted.
 - vi. The definition of the term "code official" is deleted, and the following language is substituted: "For the purpose of the mechanical subcode, the term "code official" shall mean the appropriate subcode official as designated in N.J.A.C. 5:23-3.4."
3. Chapter 3 of the mechanical subcode, entitled "General Regulations," is amended as follows:
- i. Section 301.1 is amended to delete the words "in accordance with Section 101.2."
 - ii. Section 301.4 is amended to delete the words "in accordance with Section 105."
 - iii. Section 301.11 is deleted.
 - iv. Section 307.1 is amended to delete "approved plumbing fixture" on line 3 and insert the following: "drywell, sump pump, floor drain, or drainage system below floor."
 - v. Section 307.2.1 is amended to add the following after the word "disposal" on line 3: "in accordance with the adopted plumbing subcode."
 - vi. Section 307.2.2 is deleted.
 - vii. Section 309 is deleted.
 - viii. Section 312 is deleted.
4. Chapter 4 of the mechanical subcode, entitled "Ventilation," is amended as follows:
- i. Section 403.2 is amended to add the following language: "Exception: Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outside air shall be reduced in accordance with such engineered system design."
5. Chapter 5 of the mechanical subcode, entitled "Exhaust Systems," is amended as follows:
- i. Section 503.1 is amended to replace the second sentence with the following: "The type and wiring methods for motors in areas that contain flammable vapors or dusts shall be in accordance with the electrical subcode."
 - ii. Section 512.1 is amended to add a sentence as follows: "This section shall not apply to radon construction techniques covered by subchapter 10 of the Uniform Construction Code."
 - iii. 513.11 is amended to replace the third sentence with the following: "Secondary power shall be from a legally required standby power source complying with the electrical subcode." Also, delete the following sentences: "Power distribution from the two sources shall be by independent routes. Transfer to full standby power shall be automatic and within 60 seconds of failure of the primary power."
 - iv. 513.12.1 is amended to delete the wording in its entirety and substitute the following: "Wiring. All wiring shall be in accordance with the electrical subcode."
6. Chapter 6 of the mechanical subcode, entitled "Duct Systems," is amended as follows:
- i. Section 602.2.1 is amended to modify Exception 3 to read: "This section shall not apply to materials exposed within plenums in one-and two-family dwellings. Wire exposed in plenums of one-and two-family dwellings shall conform to the requirements of the electrical subcode."
 - ii. Section 602.2.1.1 is deleted in its entirety and substitute the following language: "Wiring, cable and raceways installed in a plenum shall be listed and installed in accordance with the electrical subcode."
 - iii. Section 602.2.1.4 is deleted in its entirety and substitute the following language: "Combustible electrical equipment exposed within a plenum shall be listed and labeled and shall be installed in accordance with the requirements of the electrical subcode."
7. Chapter 9 of the mechanical subcode, entitled "Specific Appliances, Fireplaces and Solid Fuel Burning Equipment," is amended as follows:
- i. Section 917.2 is deleted in its entirety.
 - ii. Section 917.3 is deleted in its entirety.
8. Chapter 10 of the mechanical subcode, entitled "Boilers, Water Heaters and Pressure Vessels," is amended as follows:
- i. Section 1001.1 is amended to replace the words "installation, alteration, and repair of boilers," with the words "installation and alteration of boilers."
 - ii. Section 1003.1 is amended to add the following phase: "Pressure vessels shall be designed and constructed in accordance with the requirements of ASME "Rules for Construction of Pressure Vessels, Section VIII/1998". "
9. Chapter 11 of the mechanical subcode, entitled "Refrigeration," is amended as follows:
- i. Section 1102.2.2 is deleted.
 - ii. Section 1109 is deleted.
10. Chapter 13 of the mechanical subcode, entitled "Fuel Oil Piping And Storage," is amended as follows:
- i. Section 1301.2 is amended to add the following sentence: "Where the tank is of a size and type that is

subject to the Department of Environmental Protection rules for the installation of Underground Storage Tanks at N.J.A.C. 7:14B, those rules shall apply."

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

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

(1) Delete "IEC—2000 Electrical Code."

(2) Delete "IFC—2000 International Fire Code" and substitute the following: "BOCA National Fire Prevention Code/1996."

(3) Delete "IBC—2000 International Building Code."

(4) Delete "IEEC—2000 International Energy Conservation Code."

(5) Delete "IPC—2000 International Plumbing Code."

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

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

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

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

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

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

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery operated, hard-wired or of the plug-in type.

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

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

New rule.

Amended by R.1985 d.154, effective April 1, 1985 (operative July 1, 1985).

See: 17 N.J.R. 239(a), 17 N.J.R. 810(a).

(a)2 added; subsection (c) added.

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

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

Substantially amended.

Amended by R.1987 d.14, effective January 5, 1987.

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

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

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

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

Model subcode revisions.

Amended by R.1988 d.270, effective June 20, 1988.

See: 20 N.J.R. 575(a), 20 N.J.R. 1344(a).

Added (a)3 and (c).

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

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

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

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

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

Text conformed to BOCA National Code/1990.

Amended by R.1991 d.429, effective August 19, 1991.

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

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

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

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

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

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

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

Amended by R.1995 d.120, effective March 6, 1995 (operative July 1, 1995).

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

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

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

Added (c).

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

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

Rewrote (a) and (b).

Administrative correction.

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

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

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

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

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

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

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

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

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

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

5:23-3.20A (Reserved)

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

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

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

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

Section was “Indoor air quality subcode”.

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

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

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

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

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

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

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

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

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

- i. The definition of “Additions” shall be deleted.
- ii. The definition of “Alteration” shall be deleted.
- iii. The definition of “Approved” shall be deleted and the following shall be inserted: “Approved refers to approval by the building subcode official or other authority having jurisdiction in accordance with the regulations.”

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

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

vi. The definition of “Building, Existing” shall be deleted.

vii. The definition of “Building Line” shall be deleted.

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

ix. The definition of “Existing Installations” shall be deleted.

x. The definition of “Jurisdiction” shall be deleted.

xi. The definition of “Manufactured Home” shall be deleted.

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

xiii. The definition of “Permit” shall be deleted.

xiv. The definition of “Person” shall be deleted.

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

xvi. The definition of “Repair” shall be deleted.

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

i. Add new Section R300 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Notes:
1. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy structural requirements of this code. The grade of masonry units shall be determined from the ASTM C34, C55, C62, C73, C90, C129, C145, C216, or C625 listed in Chapter 43.
 2. The frost line depth may require deeper footings than indicated in Section R403.1.4. The jurisdiction shall fill in the frost line depth column with minimum depth of footing below finished grade.
 3. New Jersey is divided into two zones: Zone 1 consists of Monmouth and Burlington Counties and all counties to the south. Zone 2 consists of Mercer and Middlesex Counties and all counties to the north.
 4. The enforcing agency having jurisdiction may establish values other than the ones listed for "ground snow load," and "frost line depth" if warranted by documented local climatic and geographic conditions.

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

Rewrote (c).

5:23-3.22 Fuel gas subcode

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

1. Pursuant to authority of P.L. 1975, c.217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Fuel Gas Code/2000. This code is hereby adopted by reference as the Fuel Gas Subcode for the State of New Jersey subject to the modifications stated in (b) below.

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

ii. The International Fuel Gas Code/2000 may be known and cited as the "fuel gas subcode."

2. Any references to the International Building Code, International Plumbing Code, ICC Electrical Code, International Fire Code or the International Energy Conservation Code listed in Chapter 7 shall be considered a reference to the appropriate adopted building, plumbing, electrical, BOCA National Fire Prevention Code-1996 or energy subcode in N.J.A.C. 5:23-3.

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

(b) The following chapters, sections or pages of the International Fuel Gas Code/2000 are amended as follows:

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

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

i. Section 201.3 is amended to delete the words "International Building Code, ICC Electrical Code, International Fire Code, International Plumbing Code," and in lieu thereof substitute "building, electrical, fire protection, and plumbing subcodes."

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

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

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

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

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

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

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

ii. Section 301.3 is amended to delete the words "in accordance with Section 105" on lines 2 and 4.

iii. Section 301.9 is deleted.

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

v. Section 306.2 is amended to delete the dimension 35 and substitute 36.

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

vii. Section 307.2 is deleted.

viii. Section 308.3 is amended to delete the words "308.3.1 through 308.3.6" and substitute in lieu thereof "308.3.1, 308.3.2 and 308.3.4 through 308.3.6."

ix. Section 308.3.3 is deleted.

x. Section 308.4 is amended to delete the words "308.4.1 through 308.4.8" on line 3 and substitute in lieu thereof "308.4.1 through 308.4.6 and 308.4.8."

xi. Section 308.4.7 is deleted.

xii. Section 308.4.8. Delete "or 308.4.7" on line 2.

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

i. Add new Section 401.9 as follows:

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

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

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

iii. Section 403.3 is deleted.

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

i. Section 503.5.6 is amended to replace the words "cleaned and free of obstructions" with the words "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(c)."

ii. Section 503.5.6, exception: Delete the exception in its entirety.

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

i. Section 622.2 is deleted.

ii. Section 622.3 is deleted.

iii. Section 626.10 is deleted.

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

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

(1) Delete "IBC-2000 International Building Code."

(2) Delete "IFC-2000 International Fire Code" and substitute the following: "BOCA National Fire Prevention Code/1996."

(3) Delete "IECC-2000 International Energy Conservation Code."

(4) Delete "IPC-2000 International Plumbing Code."

(5) Delete "IEC-2000 Electrical Code."

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

New Rule, R.2001 d.196, effective June 18, 2001.

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

Administrative correction.

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

Amended by R.2004 d.468, effective December 20, 2004.

See: 36 N.J.R. 1858(b), 36 N.J.R. 5711(a).

In (b), added a new 4i and recodified existing i through ii as ii through iii.

APPENDIX 3-A

APPENDIX

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS
CODE CHANGE PROPOSAL
REHABILITATION SUBCODE (N.J.A.C. 5:23-6)

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

Proposals must be presented with language proposed for addition underlined:

Mail code change proposals to:
Code Development Unit
Department of Community Affairs
Division of Codes and Standards
PO Box 802
Trenton, New Jersey 08625

Fax code change proposals to:
Code Development Unit
(609) 984-7717 or
(609) 633-6729

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

Section (citation) proposed for change: _____

Sections (companion changes) that might also need to be changed: _____

NAME: _____
ORGANIZATION (if any): _____
ADDRESS: _____

TELEPHONE: _____ FAX: _____ E-mail: _____
Proposed Code Change: _____

Supporting Statement (reason for code change): _____

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

SUBCHAPTER 3A. STATE-JURISDICTION
SUBCODES

5:23-3A.1 Scope

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

5:23-3A.2 Subcodes established

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

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

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

SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES

5:23-4.1 Title; scope; intent

(a) This subchapter, adopted pursuant to authority of the State Uniform Construction Code Act and entitled "Enforcing agencies; duties; powers; procedures", shall be known and may be cited through the regulation as N.J.A.C. 5:23-4," and when referred to in this part of the regulations, may be cited as "this subchapter".

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

(c) This subchapter and N.J.A.C. 5:23-4A, 4B, 4C shall control matters related to: the structure, organization, and procedures of municipal, State, and interlocal enforcing agencies; their interrelationships; the structure, organization, and procedures of boards of appeal; the approval of premanufactured construction; private enforcing agencies; and the establishment of fees.

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

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

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

Reference to subchapter 4A added to (c).

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

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

Law Review and Journal Commentaries

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

Case Notes

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

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

5:23-4.2 Matters covered; exceptions

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

(b) Rules concerning exceptions are:

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

2. Department of Education:

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote (b)2ii.

Administrative change.

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

5:23-4.3 Municipal enforcing agencies—establishment

(a) Notice of intention to establish:

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

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

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