

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.

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, sub-

ject 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 Responsibility

(a) An individual acting as a building subcode official or building 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 building subcode official:

BUILDING SUBCODE

| | |
|------------------------------|--------------------------------|
| Chapter 3 ^F | Chapters 22-25 |
| Chapter 4 as follows: | Chapter 26 as follows: |
| 401.0-403.7 ^F | 2601.0-2601.2 |
| 403.10-405.6 ^F | 2603.0-2605.0 ^F |
| 406.0 ^F | 2606.0-2609.0 |
| 407.0 | Chapter 28 |
| 408.0-414.4 ^F | Chapter 30 as follows: |
| 416.0-416.10 ^F | 3001.0 ^{EL} |
| 416.12-416.14.5 ^F | 3006.0-3011.0 ^{EL, F} |
| 416.15-417.5.3 ^F | Chapter 31 as follows: |
| 417.5.5-419.3 ^F | 3101.0-3105.0 |
| 420.0-421.11 | 3106.0 ^F |
| Chapters 5-6 | 3107.0-3111.0 |
| Chapters 7-8 ^F | Chapter 32 |
| Chapter 10 ^F | Chapter 33 as follows: |
| Chapter 12 | 3301.0-3304.0 |
| Chapter 14-20 | 3305.0 ^F |
| Chapter 21 as follows: | 3306.0-3315.0 |
| 2101.0-2112.0 | Chapter 34 as follows: |
| 2113.0-2117.0 ^F | 3406.0 ^F |
| 2118.0 | |

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 |
| 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

Chapter 1 as applicable Chapters 3-4

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)

EL = Joint with Elevator Subcode Official for devices covered by N.J.A.C. 5:23-12 except those installed in Use Group R-3, R-4, or in R-2 structures 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

| | |
|-----------------------|------------------------|
| Chapter 3 | Chapters 5-8 |
| Chapter 4 as follows: | Chapter 10 |
| 401.0-402.9 | Chapter 12 |
| 402.14-403.1 | Chapters 14-20 |
| 403.3.3 | Chapter 21 |
| 404.1 | Chapters 22-26 |
| 404.3 | Chapter 28 |
| 404.5 | Chapter 30 as follows: |
| 404.7-405.2 | 3007.1 |
| 405.4 | 3007.4-3007.6 |
| 406.0-408.3 | 3008.1-3008.3 |
| 408.3.2-409.4 | 3010.1-3010.2.1 |
| 410.0-412.5 | 3010.2.3 |
| 413.1-413.2 | 3010.4 |
| 413.5.3-414.4 | 3011.2 |
| 415.0-416.3 | 3011.2.1 |
| 416.6-416.10 | Chapters 31-32 |
| 416.12-416.14.5 | Chapter 33 as follows: |
| 416.16-416.15.1 | 3301.0-3304.0 |
| 416.15.3 | 3306.0-3315.0 |
| 417.64-417.6.5 | Chapter 34 as follows: |
| 418.1-418.3.1.6 | 3406.0 |

418.3.3.3-421.11

MECHANICAL SUBCODE

Chapter 3 as follows:

- 301
- 302

Chapter 4

Chapter 5 as follows:

- 501
- 502
- 504
- 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

Chapter 1 as applicable Chapters 3-4

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 (All 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:

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

Chapter 1 as applicable Chapter 5

B = Joint with Building Subcode Official

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.

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

Chapter 1 as applicable

Chapter 5

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

Chapter 4 as follows:

- 403.9^F
- 405.7-405.9^F
- 414.5^F
- 416.11^F
- 416.14.6^F
- 417.5.4^F

ELECTRICAL SUBCODE

Article 90—Introduction

Chapter 6 as follows:

Chapter 1

600 to 610

Chapter 2

620^{EL}

Chapter 3 as follows:

625 to 690

- 300-1 to 300-20

695^F

- 300-1^F

Chapter 7 as follows:

- 300-22 to 384

700 to 727

Chapter 4 as follows:

760^F

- 400 to 450 part B

770 to 780

- 450 part C^F

Chapter 8

- 455 to 480

Chapter 9

Chapter 5^F

ENERGY SUBCODE

Chapter 1 as applicable

Chapter 6

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 Use Group R-3, R-4, or in R-2 structures 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
- Chapters 1-5
- Chapter 6 as follows:
 - 600-610
 - 620 (Note: The following sections are enforced by the electrical inspector when N.J.A.C. 5:23-12 devices are installed in any use group structures excluding installations in Use Group R-3, R-4, or 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
- Chapters 7-9

ENERGY SUBCODE

Chapter 1 as applicable Chapter 6

(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

- | | |
|---------------------------|----------------------------|
| Chapter 3 ^B | Chapters 7-8 ^B |
| Chapter 4 as follows: | Chapter 9 |
| 401.0-403.7 ^B | Chapter 10 ^B |
| 403.9 ^E | Chapter 21 as follows: |
| 403.10-405.6 ^B | 2113.0-2117.0 ^B |
| 405.7-405.9 ^E | Chapter 26 as follows: |
| 406.0 ^B | 2603.0-2605.0 ^B |
| 408.0-414.4 ^B | Chapter 30 as follows: |

- | | |
|------------------------------|--------------------------------|
| 414.5 ^E | 3006.0-3011.0 ^{B, EL} |
| 416.0-416.10 ^B | Chapter 31 as follows: |
| 416.11 ^E | 3106.0 ^B |
| 416.12-416.14.5 ^B | Chapter 33 as follows: |
| 416.14.6 ^E | 3305.0 ^B |
| 416.15-417.5.3 ^B | Chapter 34 as follows: |
| 417.5.4 ^E | 3406.0 ^B |
| 417.5.5-419.3 ^B | |

MECHANICAL SUBCODE

- Chapter 3 as follows:
 - 301^B
 - 303
 - 304
 - 306
 - 308^B
 - 310^B
 - 311^B
- Chapter 5 as follows:
 - 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: | Chapter 6 as follows: |
| 300-21 ^E | 695 ^E |
| Chapter 4 as follows: | Chapter 7 as follows: |
| 450 Part C ^E | 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 = Joint with Elevator Subcode Official for N.J.A.C. 5:23-12 devices not installed in Use Group R-3, R-4, or in 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.

BUILDING SUBCODE

| | |
|-----------------------|------------------------|
| Chapter 4 as follows: | 416.4-416.5 |
| 402.10-402.13 | 416.11 |
| 403.2-403.3.2 | 416.14.6 |
| 403.4-403.7 | 416.15.2 |
| 403.9-403.10 | 417.1-417.6.3 |
| 404.2 | 417.6.6 |
| 404.4 | 418.3.2-418.3.3.2 |
| 404.6 | Chapter 9 |
| 405.3 | Chapter 30 as follows: |
| 405.5-405.9 | 3007.3 |
| 408.3.1 | 3010.2.2 |
| 409.5 | 3011.2.2 |
| 412.6-412.8 | Chapter 33 as follows: |
| 413.3-413.5.2 | 3305.0 |
| 414.5 | |

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)

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

FUEL GAS SUBCODE

Chapter 3 as follows:

- 301.1.1
- 301.2
- 301.3
- 301.4
- 301.4.1
- 301.5
- 301.7
- 303 through 306
- 308

Chapter 5

- (All except
- 501.3
- 501.7
- 501.11
- 501.15.3
- 503.5.3)

Chapter 6 as follows:

- 603 through 607
- 614.4

614.5

615

619.4

(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:

BUILDING SUBCODE

Chapter 4 as follows[†]:

403.8

Chapter 30 as follows[†]:

3001.0^B

3003.3

3006.0-3011.0^{B, F}

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 use group structures excluding installations in Use Group R-3, R-4, or 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

Chapter 4 as follows[†]:

3007.7

403.8

3008.4

Chapter 30 as follows[†]:

3009.0

3001.0

3010.3

3003.3

3010.5

3006.0

3011.1

3007.2

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 use group structures excluding installations in Use Group R-3, R-4, or 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 and radon hazard subcodes shall be as delineated in N.J.A.C. 5:23-7.6A and 10.3, respectively.

(h) A mechanical inspector employed by the Department or by a municipality, and so assigned by the construction official, shall have responsibility for enforcement of all 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 Use Group R-3 or R-4 structures.

1. When assigned by the construction official, a plumbing subcode official shall have responsibility for the enforcement of all provisions of the code, except electrical, for the replacement of heating or cooling equipment or water heaters in Use Group R-3 and R-4 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.

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 nonconforming materials

(a) Approvals: Except as otherwise provided in N.J.A.C. 5:23-3.8, the appropriate subcode official may approve the use of fixtures, appurtenance, materials and methods of a type not conforming with the requirements of, nor expressly prohibited by, the regulations after determination that such fixture, appurtenance, material or method is of such design or quality, or both, as to appear to be suitable and safe for the use for which it is intended. A record of such approvals shall be maintained and shall be available to the public.

1. Any person desiring to install or use a fixture, appurtenance, material or method of a type not conforming with the requirements of, nor expressly prohibited by, the regulations shall, prior to such installation or use, submit to the appropriate subcode official such proof as may be required to determine whether such fixture, appurtenance, material or method is of such design or

quality, or both, as to appear to be suitable and safe for the use for which it is intended.

(b) Research and investigations: The appropriate subcode official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, he may approve its use subject to the requirements of the regulations. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

(c) Research reports: The appropriate subcode official may accept, as supporting data to assist in this determination, duly authenticated research reports from approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for in the regulations.

Amended by R.1992 d.390, effective October 5, 1992.

See: 24 N.J.R. 1844(a), 24 N.J.R. 3515(b).
Reference to exception in 3.8 added.

5:23-3.8 Departmental approval of nonconforming materials

(a) Approval: Whenever the commissioner shall approve any fixture, appurtenance, material or method, such shall be binding and accepted in each municipality.

(b) Notice: Notice of intention to approve any such fixture, appurtenance, material or method shall be published in the New Jersey Register at least 45 calendar days prior to its final approval. Thereafter, notice of final approval, stating operative date, shall be published in the New Jersey Register.

(c) Prospective effect: Any approval issued pursuant to this section shall be prospective in nature and shall not alter the ruling of a subcode official already rendered in a specific instance relating to a specific permit or structure.

(4) A temporary greenhouse, also called a “hoop-house” or “polyhouse,” used exclusively for the production or storage of live plants, shall be exempt from the permit requirements of the Uniform Construction Code if it meets the following criteria:

(A) There is no permanent anchoring system or foundation;

(B) There is no storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials;

(C) The structure is no wider than 31 feet and there is an unobstructed path of no greater length than 150 feet from any point to a door or fully accessible wall area; and

(D) The covering of the structure is of a material no greater than six mils (152.4 micrometers) in thickness, conforming to N.F.P.A. 701 standard, that yields approximately four pounds of maximum impact resistance to provide egress through the wall.

(5) The provisions of (b) 22ii(4) above notwithstanding, if a temporary greenhouse contains any device subject to the electrical subcode or any mechanical equipment subject to the mechanical subcode, then a permit shall be required for the device, system or fixture only. If the temporary greenhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices only;

iii. Section 3104.6 is amended to replace the term “code official” with the term “construction official”;

iv. Section 3106.5 is amended to replace the term “authorities” with “authorities having jurisdiction”;

v. Section 3107.8 is amended to replace the term “Mobile units” with the term “Manufactured Homes;”

vi. Section 3107.10 is amended as follows: The text from the phrase “sections 118.0” to the end is deleted and replaced with the following language: “N.J.A.C. 5:23-2.4”;

vii. Section 3107.11 is amended to replace the term “Section 3403.0” with the term “N.J.A.C. 5:23-2.5”;

viii. Section 3108.5 is amended to add the phrase “to comply with the requirements of the electrical subcode” after the word “grounded.”

23. The following amendments are made to Chapter 32 of the building subcode, entitled “Construction in the Public Right of Way”:

i. Section 3202.5 is deleted in its entirety.

ii. Section 3204.2 is deleted.

iii. Section 3205.1 is amended to replace the term “code official” on line 1 with the term “construction official”.

24. The following amendments are made to Chapter 33 of the building subcode entitled “Site Work, Demolition and Construction”:

i. Section 3302.1 is amended to replace the term “code official” on line 3 with the term “construction official”;

ii. Section 3309.2 is amended to delete the words “and the construction and extension of soil and vent stacks and the location of window openings shall comply with the provisions of section 2908.3” and replace them with the following language:

(1) “When a new building is erected higher than an existing building, windows or other wall openings shall not be located nearer than 10 feet to an existing soil or vent stack on the lower building unless the owner of the new building makes the necessary provision to extend such soil or vent stacks to a height of not less than two feet above the topmost opening at his own expense and with the approval of the adjoining owner.”

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

iii. Section 3310.0 is deleted in its entirety and replaced by N.J.A.C. 5:23-2.17.

iv. Section 3315.0 is amended to replace the words “Sections 1024.0 and 2702.2, item 5” with “Section 1024.0 and provide a level of illumination equivalent to at least 3 foot candles (32 lux);”

25. Chapter 34 entitled “Existing Structures” is deleted in its entirety.

26. The following amendments are made to Chapter 35 of the building subcode entitled “Referenced Standards”:

i. Under the subheading “ASME”, standard “A17.1-93”, add “and A17.1b-95 Addendum” after “A17.1a-94 Addendum;”

ii. Under the subheading “Codes” delete the following titles:

(1) BOCA National Property Maintenance Code;

(2) ICC International Mechanical Code;

(3) ICC International Plumbing Code—with 1996 Supplement;

(4) ICC International Private Sewage Disposal Code—with 1996 Supplement;

(5) CABO Model Energy Code.

Amended by R.1981 d.132, effective May 7, 1981.
 See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).
 Amended by R.1983 d.12, eff. February 7, 1983, operative February 22, 1983.
 See: 14 N.J.R. 132(a), 15 N.J.R. 141(c).
 Added (a)2 and (c).
 Amended by R.1984 d.314, eff. August 6, 1984.
 See: 16 N.J.R. 1139(a), 16 N.J.R. 2084(b).
 This section was substantially amended.
 Amended by R.1985 d.154, effective April 1, 1985 (operative July 1, 1985).
 See: 17 N.J.R. 239(a), 17 N.J.R. 810(a).
 (a)2 added; subsection (c) added.
 Correction: N.J.A.C. 5:23-3.14(c)5 was incorrect in adoption.
 See: 17 N.J.R. 1409(a).
 Amended by R.1985 d.324, effective July 1, 1985.
 See: 17 N.J.R. 861(c), 17 N.J.R. 1646(a).
 (b)3i: amended text.
 Amended by R.1986 d.380, effective September 22, 1986.
 See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a).
 Substantially amended.
 Amended by R.1987 d.374, effective September 21, 1987.
 See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
 Model subcode revisions.
 Amended by R.1988 d.270, effective June 20, 1988.
 See: 20 N.J.R. 575(a), 20 N.J.R. 1344(a).
 Added (a)3 and (c).
 Amended by R.1990 d.253, effective May 21, 1990.
 See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).
 Text added at (c)2ii, 4, 5 and 7.
 Amended by R.1990 d.325, effective July 2, 1990.
 See: 21 N.J.R. 1654(a), 22 N.J.R. 2001(a).
 Text added at (b)5xii(1) to conform to Fire Code.
 Amended by R.1990 d.507, effective October 15, 1990.
 See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).
 Text conformed to BOCA National Code/1990.
 Amended by R.1990 d.558, effective November 19, 1990.
 See: 22 N.J.R. 1969(b), 22 N.J.R. 3483(a).
 Conditional exemption for hoophouses or polyhouses added.
 Amended by R.1991 d.325, effective July 1, 1991.
 See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).
 Article 26 amended at (b)14.
 Amended by R.1991 d.429, effective August 19, 1991.
 See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).
 In (a), added 3. Added (c).
 Amended by R.1992 d.244, effective June 15, 1992.
 See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).
 Text added at (b)10v through viii.
 Amended by R.1993 d.662, effective December 20, 1993.
 See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Amended by R.1995 d.477, effective September 5, 1995.
 See: 27 N.J.R. 1717(a), 27 N.J.R. 3328(a).
 Added (b)2v.
 Amended by R.1998 d.332, effective July 6, 1998.
 See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).
 Rewrote the section.
 Amended by R.2000 d.492, effective December 18, 2000.
 See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).
 Rewrote (b)25.
 Amended by R.2001 d.127, effective April 16, 2001.
 See: 33 N.J.R. 392(a), 33 N.J.R. 1195(a).
 In (a)9, added new ix and recodified former ix through xiii as new x through xiv.

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/1996", 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/1996," 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 3, the words "as defined in N.J.A.C. 5:23-3.7."

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

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

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

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

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

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 2. 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 4 and in lieu thereof, substitute the words "N.J.A.C. 5:23-3.7."
- iv. Section 3.3.11 entitled "septic tank" is deleted in its entirety.
- v. Section 3.11.1 is amended to delete the phrase "approved by the Administrative authority".
- vi. Section 3.11.2 is amended to delete the phrase "except as may be otherwise authorized by the administrative authority".
- vii. Sections 3.12.1, 3.12.2, 3.12.3, 3.12.4, and 3.12.5 are deleted in their entirety.
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."
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 3.
- ii. Section 5.3.4 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "administrative authority" on line 2.
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 2 and to add after line 5 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 6.3.2e. is amended to delete the words "administrative authority" in line 2 and substitute in lieu thereof "authority having jurisdiction."
- iii. Section 6.4.4 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the word "approval" on line 2.
8. Chapter 7 of the plumbing subcode, entitled "Plumbing Fixtures," 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 7.4.2 is amended to add the words "Only pressurized (not gravity flow) water closets are acceptable for commercial uses. Commercial uses are A, E, B and M uses with an occupancy requiring more than two water closets connected to the building sewer." after the words "1.6 gallons per flush" and to delete the exceptions.
- (1) Exception: Installation of water closets bearing a manufacturer's date stamp indicating a date of manufacture prior to July 1, 1991 and requiring an amount in excess of 1.6 gallons per flush shall be permitted.
- iii. Exception 2 to section 7.4.4 is amended to read "Accessible Water Closets shall conform to the requirements of N.J.A.C. 5:23-7 et seq."
- 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" on line 2.

v. Note 1 to Tables 7.21.1.A, 7.21.1.B, 7.21.1.C, 7.21.1.D, 7.21.1.E 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 7.22 is added as follows:

"7.22 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.”

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 3.

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 4.

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

i. Section 11.3.1 is amended to delete the words “administrative authority” and substitute in lieu thereof, the words “authority having jurisdiction” on line 4.

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

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

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 amended to delete the phrase “a fitting acceptable to the administrative authority”, and in lieu thereof substitute “an approved fitting”.

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

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

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

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

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

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

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

- i. Section E.2.1 is amended to delete the words "local administrative authority" on line 2 and in lieu thereof, substitute "authority having jurisdiction".
- ii. Section E.4.2 is amended to delete the term "Administrative Authority" and substitute in lieu thereof "Authority Having Jurisdiction."

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

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

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

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

Added (a) 3 and (c).

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

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

Section substantially amended.

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

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

(a)1i had a change of address; (a)3 and (c) added.

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

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

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

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

Model subcode revisions.

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

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

Added (c).

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

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

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

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

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

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

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

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

Text conformed to BOCA National Code/1990.

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

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

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

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

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

Added new (c).

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

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

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

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

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

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

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

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.

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 1999" 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 1999 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 99) shall be considered adopted by reference to the extent prescribed by each related section. These codes and standards also are printed in DCA Bulletin #00-1, 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.

Reference to 1989 Supplement added; (a)li(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)li(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)lii, 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.

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 Building Officials and Code Administrators International, Inc., known as the BOCA National Energy Conservation Code/1993, as the energy subcode for New Jersey.

i. Copies of the BOCA National Energy Conservation Code/1993 may be obtained from the sponsor at BOCA, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60477-5795.

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

2. Any reference to the building code, mechanical code, or plumbing code listed in Chapter 8 shall be considered a reference to the appropriate adopted building, mechanical, or plumbing subcode in N.J.A.C. 5:23-3.

(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, entitled "Scope and Application":

i. Section E-101.1 is deleted in its entirety.

ii. The text of Section E-101.3 is deleted and the following language is substituted: "Buildings other than those of use group R-3 and R-4 as well as R-2 which are three stories or less in height shall meet the requirements of ASHRAE/IES 90.1-1989. For buildings of use group R-3 and R-4 as well as R-2 which are three stories or less in height, compliance with the applicable provisions of ASHRAE 90A (except Chapter 9) or 90B listed in Chapter 8 shall be deemed to meet

the requirement of this code, unless otherwise specifically provided herein."

iii. Section E-101.4 is amended to add the words "... except for buildings and structures required to comply with ASHRAE/IES 90.1-1989 as noted in section E-101.3" after the words "... shall apply" in the last sentence.

2. The following amendments are made to Chapter 3 of the energy subcode entitled "Building Envelope":

i. Section E-302.1 is amended to delete the words "or the CABO Model Energy Code" and to add the following sentences: "For determining required thermal transmittance values for buildings of use groups R-3, R-4 and R-2 that are three stories or less in height, the following heating degree day values shall be used for the following counties:

(1) 4,500 annual Fahrenheit heating degree days shall be used for the counties of Cape May, Salem, Cumberland, Camden, Atlantic and Gloucester.

(2) 5,000 annual Fahrenheit heating degree days shall be used for the counties of Burlington, Ocean, Monmouth, Mercer, Middlesex, Essex, Hudson and Union.

(3) 5,500 annual Fahrenheit heating degree days shall be used for the counties of Somerset, Warren, Hunterdon, Morris, Bergen and Passaic.

(4) 6,000 annual Fahrenheit heating degree days shall be used for the county of Sussex."

3. The following amendments are made to Chapter 4 of the energy subcode entitled "Heating, Ventilating and Air Conditioning Systems and Equipment":

i. Delete section E-402.1.1 and substitute the words "Outdoor design temperatures shall be based on the 97½-percent value for heating and the 2½-percent value for cooling determined from Appendix A or from Table 1, Climatic Conditions for the United States, set forth in the current edition of the ASHRAE Fundamentals Handbook. Values between locations listed shall be determined by extrapolation."

4. The following amendments are made to Chapter 5 of the energy subcode entitled "Plumbing Systems":

i. Delete section E-503.0.

5. The following amendment is made to Chapter 6 of the energy subcode entitled "Electrical Systems":

i. In Section E-602.2, add the words "In buildings of Use Group R-2 which are under a condominium or cooperative form of ownership only, electrical energy use by the occupants of each dwelling unit may be determined by means of checkmetering rather than by use of a separate meter owned by the electric utility for each dwelling unit."

6. The following amendments are made to Chapter 7 of the energy subcode entitled "Alternative Systems":

i. Section E-701.1 is amended to delete the words "this code" on lines 3 and 6 and, in lieu thereof, substitute "the energy subcode."

7. The following amendment is made to Chapter 8 of the energy subcode entitled "Referenced Standards";

i. Delete the subheading CABO and all titles listed below the subheading.

(c) The requirements of the Energy Subcode shall apply as follows:

1. The thermal efficiency standards of the Energy Subcode shall apply to all newly constructed buildings.

2. The lighting efficiency standards of the Energy Subcode shall apply to all newly constructed buildings.

3. As used in this section, "newly constructed" means built in its entirety in accordance with a construction permit as required by this chapter.

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.

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 the sponsor at: 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 Use Group I-1, R-1, R-2, or any dwelling unit of Use Group R-3 located in a building required to be registered as a multiple dwelling, if that building contains a fuel-burning appliance or has an attached garage.

1. Exception: 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;

ii. 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

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance 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.

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).

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 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 known as "The CABO One and Two Family Dwelling Code/1995" as the one and two-family dwelling subcode for New Jersey subject to the modifications stated in (c) below.

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

- ii. In Section 501.2, delete the words "imposed according" from line three.
- iii. In Section 502.4, replace the word "approval" with "approved."
- iv. In Section 505.2.2, delete the exception and replace it with the following text: "Except where required by the radon subcode, a base course is not required when the concrete slab is installed on well-drained or sand-gravel mixture soils."
- v. In Section 505.2.3, exception, insert the phrase "Where permitted by the radon subcode," at the beginning of line one.
6. Chapter 6, entitled "Wall Construction," is amended as follows:
- i. In Section 601.1, delete the words "Section 108" and in lieu thereof insert "N.J.A.C. 5:23-3.6 and 3.7";
- ii. Delete Section 604.1.1.
7. Chapter 7, entitled "Wall Covering," is amended as follows:
- i. In Section 701.1, delete the words "Section 108" and in lieu thereof insert "N.J.A.C. 5:23-3.6 and 3.7";
8. Chapter 8, entitled "Roof Ceiling Construction," is amended as follows:
- i. In Section 801.1, delete the words "Section 108" and in lieu thereof insert "N.J.A.C. 5:23-3.6 and 3.7."
9. Chapter 9, entitled "Roof Coverings," is amended as follows:
- i. In Section 901.1, delete the words "Section 108" and in lieu thereof insert "N.J.A.C. 5:23-3.6 and 3.7";
- ii. In Section 901.3, "Roof Covering Materials," on line three, delete the phrase "in areas . . . 3 feet" and replace with the phrase: "when the edge of the roof is less than 6 feet (1829 mm)";
- iii. Section 910.1 is amended to delete the words "Sections 117 and" and substitute the word "Section" and to delete the sentence "When the repair . . . for the new roofing."
- iv. Section 910.3, item number 3 is amended to delete the word "three" and substitute in lieu thereof "two."
10. Chapter 10, entitled "Chimneys and Fireplaces," is amended as follows:
- i. Section 1001.7 is amended to add the following phrase after "1800°F": "and embedded in medium duty refractory mortar complying with ASTM C105." Delete the Exception.
- ii. Section 1002 is amended to add the sentence: "Factory-built chimneys shall conform to UL 103 and be installed in accordance with their listing."
- iii. In Section 1003.4, in the last line, change "10 inches" to "12 inches."
- iv. In Section 1003.7, in the second line, change "2 inches (51 mm) thick" to "4 inches (102 mm) solid masonry or equivalent."
- v. In Section 1003.9, in the second and fifth lines, change "2 inches (51 mm)" to "4 inches (102 mm)" and add the sentence "The minimum clearance to combustibles from the exterior surface of the smoke chamber shall be 2 inches (51 mm)."
- vi. Section 1004.1, item #4 is amended to add the following after the word "opening": "for a fireplace having an opening of less than 6 square feet. The hearth of a fireplace with a larger opening shall extend a minimum of 20 inches (508 mm) beyond the face of the fireplace opening and a minimum of 12 inches (305 mm) on each side of the fireplace opening." Also, in item #5 of Section 1004.1, delete the text and substitute in lieu thereof: "Factory-built fireplaces shall be listed, labeled and tested according to UL 127, and installed according to their listing."
- vii. Section 1005.1 is amended to add "Factory-built fireplace stoves shall be tested according to UL 737." to the end of the section.
11. Chapter 11 entitled, "Mechanical Administration" is amended as follows:
- i. Section 1101.2 is deleted;
- ii. Section 1103 is deleted.
12. Chapter 12, entitled "Mechanical Definitions," is amended as follows:
- i. In Section 1202.0, the term and definition "Unusually tight construction" are deleted.
13. Chapter 13 entitled, "General Mechanical System Requirements" is amended as follows:
- i. Section 1304.1 is amended to add the sentence, "This section shall not preclude the employees of a natural gas utility from converting existing liquefied petroleum installations to natural gas without permits."
- ii. Section 1307.1 is amended to delete the last sentence.
- iii. Section 1307.4 is deleted.
14. Chapter 14, entitled "Heating and Cooling Equipment," is amended as follows:
- i. Section 1401.3 is deleted.
15. Chapter 15 entitled, "Electric Resistance Heating" is amended as follows:
- i. Section 1501.1 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

ii. Section 1502.1 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

iii. Section 1502.2 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

iv. Section 1503.1 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

16. Chapter 21 entitled, "Chimneys and Vents" is amended as follows:

i. Section 2101.3 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)."

17. Chapter 25 entitled, "Hydronic Piping" is amended as follows:

i. Section 2501.3 is amended to delete the words "Chapter 29-38 of this code" and substitute in lieu thereof "the requirements of the plumbing subcode."

ii. Section 2501.4 is amended to delete the words "the provisions listed in Section 3402" and substitute in lieu thereof "the requirements of the plumbing subcode."

18. Chapter 26 entitled, "Fuel-Gas Piping" is amended as follows:

i. Section 2602 is deleted;

ii. Section 2603.1 is deleted;

iii. Section 2603.2 is deleted;

iv. Section 2603.3 is deleted;

v. Section 2608.9 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

19. Chapters 29 through 46 are deleted.

20. Appendices A through F are deleted.

New Rule, R.1985 d.324, effective July 1, 1985.

See: 17 N.J.R. 861(c), 17 N.J.R. 1646(a).

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.388, effective August 1, 1988.

See: 20 N.J.R. 1130(a), 20 N.J.R. 2073(b).

Added (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; (b)1ii(5), 2, 4, 8 and 9 amended; (b)5, 6 and 7 added; (c) deleted; Table R-201.2 added.

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.208, effective May 18, 1992.

See: 24 N.J.R. 680(a), 24 N.J.R. 1879(a).

Code provisions applicable to flood hazard zones clarified.

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.2000 d.166, effective April 17, 2000.

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.

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 the sponsor at: 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. 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.
 - ii. 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).

SUBCHAPTER 3A. STATE-JURISDICTION SUBCODES

Authority

N.J.S.A. 52:27D-123 and 124.

Source and Effective Date

R.2001 d.303, effective September 4, 2001.
See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

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. 6:22, 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.

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.