

1. Approved central station system in accordance with NFPA 72;
2. Approved proprietary system in accordance with NFPA 72;
3. Approved remote station system of the jurisdiction in accordance with NFPA 72; or
4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFPA 72;
5. The following are exceptions to (d) above:
  - i. Underground gate valves with roadway boxes;
  - ii. Halogenated extinguishing systems;
  - iii. Carbon-dioxide extinguishing systems;
  - iv. Dry chemical extinguishing systems; and
  - v. Limited area sprinkler systems. (Fire)

(e) Technical Requirements for Smoke Barriers: Whenever smoke barriers are required by this subchapter, they shall be constructed in accordance with the following provisions:

1. Smoke barriers shall have a fire resistance rating of not less than one-half hour and shall form an effective membrane continuous from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as those found above suspended ceilings, and including interstitial structural and mechanical spaces. Transfer grilles, whether equipped with fusible link-operated dampers or not, shall not be used in these partitions. Wire glass panels not exceeding 1,296 square inches in approved steel frames may be used in smoke barriers.

- i. Exception: Smoke barriers are not required in interstitial spaces when such spaces are designed and constructed with ceilings that provide resistance to the passage of fire and smoke equivalent to that provided by smoke barriers.

2. A means of egress shall be provided from each smoke compartment created by smoke barriers such that it is possible to reach an exit without re-entering the smoke compartment.

3. Doors in smoke barriers shall have a fire-resistance rating of not less than 20 minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency. Double egress corridor doors shall have vision panels of one-quarter inch thick labeled wire glass mounted in approved steel frames. Such panels may also be provided in other doors in smoke barriers. The glass area of the vision panels shall be limited to 1,296 square inches for each door. The doors shall close the openings with only the clearance necessary for proper operation under self-closing or automatic closing and shall be without undercuts, louvers or grilles. Rabbits or astragals are required at the meeting edges of

double egress doors, and stops are required on the head and jambs of all doors in smoke barriers. Positive latching devices are not required on double egress corridor doors, and center mullions are prohibited.

- i. Exception: Protection at the meeting edges of doors and stops at the head and sides of door frames may be omitted in buildings equipped with an approved engineered smoke control system. The engineered smoke control system shall respond automatically, preventing the transfer of smoke across the barrier.

4. Doors in smoke barriers shall be self-closing or shall be provided with approved door hold-open devices of the fail-safe type which shall release the doors causing them to close upon the actuation of smoke detectors as well as upon the application of a maximum manual pull of 50 pounds against the hold-open device.

5. An approved damper designed to resist the passage of smoke shall be provided at each point a duct penetrates a smoke barrier. The damper shall close upon detection of smoke by an approved smoke detector located within the duct.

- i. In lieu of an approved smoke detector located within the duct, ducts which penetrate smoke barriers above doors are permitted to have the approved damper arranged to close upon detection of smoke on either side of the smoke barrier door opening.

- ii. Dampers are not required in buildings equipped with an approved engineered smoke control system.

- iii. Dampers are not required where the openings in ducts are limited to a single smoke compartment and the ducts are of steel construction. (Plan review—Building, Fire. Inspection—Building)

(f) Existing alarm systems and automatic sprinkler systems shall be accepted provided that they meet the requirements of N.J.A.C. 5:23-6.8, Materials and methods, or the standards applicable at the time of their installation and provided that there is no increase in the hazard of the use or in the load. (Fire)

(g) Technical Requirements for Elevator Devices: Where elevator requirements are triggered by the supplemental requirements for each group (N.J.A.C. 5:23-6.12A through 6.28A), the following shall apply:

1. Passenger elevators. Elevator devices accessible to the general public shall conform to:

- i. ASME A17.3-1993 requirements for Hoistway Door Locking Devices, Parking Devices, and Access (Sections 2.7, 4.1); Hoistway Entrances (Sections 2.6, 4.1); Power Operation of Doors and Gates (Sections 2.8, 4.1); Floating Platforms (Sections 3.3.4); Car Doors and Gates (Section 3.4.2); Location of Car Doors and Gates (Section 3.4.3); Emergency Exits (Section 3.4.4); Car Illumination (Section 3.4.5) and

Protection of Light Bulbs and Tubes (Section 3.4.6); Terminal Stopping Devices (Sections 3.9, 4.6); Operating Devices and Control Equipment (Section 3.10, 4.7 except 4.7.8); Car Emergency Signaling Devices (Sections 3.11.1 and 4.7.8); Stop Switch (Pits) (Sections 2.3.3, 4.1); Machine Rooms and Machinery Spaces: Lighting (Section 2.2.3) and Ventilation (Section 2.2.4); Check Valve (Hydraulic Elevators) (Section 4.4.2).

ii. ASME A17.1-1996 requirements for Shutoff Valve (Rule 303.4a) and Manual Lowering Valve (Rule 303.4d)

2. Freight elevators. Elevators which are allowed to carry passengers by the authority having jurisdiction shall conform to ASME A17.1-1996 Rule 207.4 and ASME A17.3-1993 requirements for Car Frames and Platforms (Section 3.3) and Location of Car Doors and Gates (Section 3.4.3).

3. Elevators shall be equipped with emergency operation as required by ASME A.17.1-1987, Rules 211.3 through 211.4 and 211.7.

i. Phase II emergency operation shall be provided only if required by the requirements for high-rise buildings contained in the supplemental requirements for each group, N.J.A.C. 5:23-6:12A through 6.28A. In addition, when phase II emergency operation is required, standby power shall be provided. Standby power shall be installed in accordance with the electrical subcode. The elevator powered by a standby power system shall be subject to the requirements of ANSI/ASME A17.1-1996 Rule 211.2.

4. Escalators shall conform to ASME A17.3-1993 for Operating and Safety Devices (Section 5.3), Anti-Slide Devices (5.1.4), Handrail Guards (5.1.6), Guards at Ceiling or Soffit Intersection (5.1.3), Lighting (5.4), Distinction Between Comb and Step (5.5.2), Adjacent Floor Surfaces (5.5.3). (Elevator)

(h) Specific Occupancy Areas: Specific occupancy areas, as listed below, shall comply with the following:

1. Paint shops in other than Group F which contain chemicals below the exempt amount for Group H, waste and soiled linen collection rooms and chute termination rooms shall be separated from other portions of the building by a one-hour fire partition or provided with an automatic sprinkler system.

2. Incinerator rooms in all groups shall be separated from other portions of the building by a two-hour fire separation assembly and provided with an automatic sprinkler system.

3. In Groups I-2, I-3 and I-4, physical plant maintenance shops, laundries in excess of 100 square feet in area and padded cells shall be separated from other portions of the building by a one-hour fire partition or provided with an automatic sprinkler system. (Building)

Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

In (a), substituted "R-5" for "R-4"; in (b)1, substituted "Section 903.3.5.1.1" for "Section 907.0"; in (g)1ii and (g)3i, substituted "A17.1-1996" for "A17.1-1993"; in (g)1ii, deleted "Supply Line" preceding "Shutoff Valve"; in (h)3, substituted "I-3 and I-4" for "and I-3".

Amended by R.2004 d.145, effective April 5, 2004.

See: 35 N.J.R. 5190(a), 36 N.J.R. 1758(a).

Deleted references to use preceding references to group throughout and substituted references to automatic sprinkler for references to fire suppression throughout.

### 5:23-6.31 Change of use

(a) General: The following are of general applicability to changes of use:

1. When the use of a building is changed, then the building must be brought into compliance with the requirements of this section. Each of the lettered subsections of this section establishes a specific type of requirement. This section establishes requirements for compliance with the basic requirements of this subcode, for means of egress, for enclosure of vertical openings, for height and area limitation, for exterior wall fire resistance, for automatic sprinkler systems, for fire alarm systems, for fire detection systems, for structural soundness, for plumbing, electrical, and mechanical systems, and for accessibility.

i. Limit on new buildings undergoing a change of use: Buildings that have been occupied for their originally intended use for less than one year shall be required to comply with the requirements of the Uniform Construction Code for new construction for the proposed use.

2. The subsections governing compliance with the basic requirements, means of egress, height and area limitations, exterior wall fire resistance, and automatic sprinkler systems incorporate Relative Group Hazard Index Tables. Compliance with the requirements of the subsection is required when the change of use will increase the relative hazard. Each of the subsections should be applied separately to the proposed new use.

3. This section may require an owner to undertake work in order to be permitted to change the use of a building or a portion of a building. Additionally, the owner of a building may wish to undertake other work not required by the section. That work must comply with the requirements for repair, renovation, alteration, and/or reconstruction applicable to the new group in accordance with the provisions of this subcode.

4. Existing fire alarm, automatic sprinkler, standpipe, smoke control and emergency power systems shall not be removed without replacement and shall be maintained in operating condition. (Fire)

5. Where the character of use of an existing building or portion thereof is changed to one of the following special use or occupancy categories as defined in the building subcode, the building or portion shall comply with the referenced section of the building subcode specific to the special use or occupancy regardless of whether a change of use group is involved.

- i. Covered Mall Building—Section 402;
- ii. Atriums—Sections 404;
- iii. Underground Buildings—Section 405;
- iv. Motor-Vehicle-Related Occupancies—Section 406;
- v. Motion Picture Projection—Section 409;
- vi. Stages and Platforms—Section 410;
- vii. Special Amusement Buildings—Section 411:

(1) A variation shall not be granted for the flame spread and smoke development ratings of interior finish and trim requirements of section 413.0.

(2) For the use of a building as a special amusement building, where a variation request has been submitted, the Construction Official shall consult with the Fire Official as required by N.J.A.C. 5:23-6.2(i).

- viii. Aircraft-Related Occupancies—Section 412;
- ix. Hazardous Materials—Section 414;
- x. Application of Flammable Finished—Section 416;
- xi. Drying Rooms—Section 417;
- xii. Organic Materials—Section 418. (Plan review—Building, Fire, Inspection—Building.)

6. Any automatic sprinkler system or fire detection and/or alarm requirements applicable to the special use or occupancy shall be applied throughout the entire building unless the special use or occupancy is separated from the remainder of the building by fire separation assemblies having a rating of at least two hours. (Fire)

7. Group overnight stays: If any non-residential occupancy, other than Group F, H or S, accommodates seven or more non-consecutive group overnight stays within a calendar year for persons over 2½ years of age, and the activities involve planned periods of sleep, the building is considered to have undergone a change of use. In such a case, it shall be necessary to apply for and be issued a Certificate of Occupancy. This shall be a dual Certificate of Occupancy to allow Group R-1 in addition to the existing use of a building. Any facility that accommodates six or fewer overnight stays within a calendar year shall obtain a permit under the Uniform Fire Code, N.J.A.C. 5:70. Group overnight stays in Groups F, H and S shall be prohibited.

8. Where an existing single-family dwelling is converted into a two-family dwelling, the following shall apply:

i. Single or multiple smoke detectors shall be installed and maintained within each dwelling unit as required by Sections 907.2.10.1.2 and 907.2.10.1.3 of the building subcode.

ii. Fire separation between dwelling units.

(1) One-hour dwelling unit separation; or

(2) Two layers of 5/8-inch thick type X gypsum wallboard. The base layer shall be applied at right angles to the joists with 1¼-inch minimum drywall screws or nails at 24 inches on center. The face layer shall be applied at right angles to the joists with 1-inch minimum drywall screws or nails at 12 inches on center. The face layer joints shall be offset from the base layer joints by a minimum of one joist bay. The joints of the face layer shall be taped and provided with a minimum of one layer of spackle.

(b) Compliance with Basic Requirements: Compliance with the basic requirements shall be required as follows:

TABLE B  
Relative Group Hazard

1 (highest)	H-1, H-2, H-3
2	A-1, A-2 Nightclubs, H-4, H-5, F-1, I-3, M, S-1
3	A-2 Other than Nightclubs, A-3, A-4, A-5, B, F-2, I-2, I-4, R-1, S-2
4	A-3 Churches, E, I-1, R-2 and R-4 buildings more than two stories in height or more than four dwelling units
5 (lowest)	R-2 and R-4 buildings two stories or fewer in height and four dwelling units or less, R-3, R-5, U

1. When the use of a building is changed to a higher relative group hazard as shown in Table B above, the building shall comply with the basic requirements of N.J.A.C. 5:23-6.10 through 6.30 applied throughout the building for the new group unless otherwise provided. Where another lettered subsection of this section establishes a requirement that differs from the basic requirement, the requirement contained in that other lettered subsection shall govern.

i. Where a portion of a building is changed to a higher relative group hazard, the building shall comply with the basic requirements of N.J.A.C. 5:23-6.10 through 6.30 for an automatic sprinkler system and fire detection and/or alarms applied throughout the building for the new group unless the proposed use is separated from the existing use(s) by assemblies with the appropriate fire resistance rating in accordance with Table 302.3.3 of the building subcode in which case only the portion changed shall comply. The portion of the building changed shall comply with all other basic

requirements of N.J.A.C. 5:23-6.10 through 6.30 for the new group.

2. When a change of use is made to an equal or lesser relative group hazard as shown in Table B above, the existing building is not required to comply with the basic requirements except where required in connection with alteration or reconstruction work by the sections of this subcode applicable to alteration or reconstruction work.

(c) Means of Egress: The following requirements apply to means of egress in a change of use:

TABLE C

Hazard Categories and Classifications  
Means of Egress

Relative Hazard	Use Classification
1 (highest)	H-1, H-2, H-3
2	I-2, I-3, I-4
3	A, E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, R-5, S-1, H-4, H-5
5 (lowest)	F-2, S-2, U

1. For any change of use, except a change of use to Group A-2 Nightclubs, the occupant load of the space shall be calculated based on the capacity of the exits as per N.J.A.C. 5:23-6.11(b). The occupant load shall not exceed one occupant per five square feet floor area unless the building complies with Chapter 10 of the building subcode in its entirety.

i. For Group A-2 Nightclubs, the occupant load shall be calculated using Section 1008.1 of the building subcode, except the maximum occupant load shall not exceed one occupant per five square feet of occupiable floor space.

ii. Where a portion of a building undergoes a change of use, the determination of the capacity of the exit(s) serving that portion shall include all spaces served by those exit(s).

2. When a change in use is made to a higher hazard category as shown in Table C above, the entire building or portion thereof shall comply with the following requirements of the building subcode or of this subcode as specified below.

i. Sections 1003.2.10, (Exit signs), 1003.2.11, (Means of Egress illumination), and 1004.3.2.4 (Air movement in egress elements);

ii. Section 1003.3.1 (Doors) except sections 1003.3.1.1 (Size of doors). Apply the Basic Requirements (6.10 through 6.30) for door widths;

iii. Section 1003.3.2 (Gates);

iv. Section 1003.3.3 (Stairways) except 1003.3.3.1 (Stairway width), 1003.3.3.2 (Headroom), 1003.3.3.3, (Stair tread and riser) and 1003.3.3.11 (Handrails) Apply the Basic Requirements (6.10 through 6.30) for stair widths;

v. Section 1003.3.4 (Ramps);

vi. Section 1003.3.5 (Turnstiles);

vii. Sections 1004.2 (Exit access design requirements).

(1) Exception: The occupant load of the space may be restricted in order to comply with the requirements of these sections;

viii. Section 1004.3 (Exit access components) except 1004.3.2.2 (Corridor width). Apply the Basic Requirements (6.10 through 6.30) for corridor widths.

(1) Existing lath and plaster in good condition or existing 1/2-inch thick gypsum wallboard on both sides of the wall shall be accepted where a one-hour fire separation assembly is required by 1004.3.2.1 (Construction);

ix. Section 1005.2 (Exit design requirements).

(1) Exception: The occupant load of the space may be restricted in order to comply with the requirements of these sections;

x. Sections 1005.3.1 (Exterior exit doors), 1005.3.3 (Exit passageways), 1005.3.5 (Horizontal exits);

xi. Section 1006 (Exit discharge);

xii. Section 1007 (Miscellaneous means or egress requirements); and

xiii. Section 1008 (Assembly).

3. When a change of use is made to an equal or lesser hazard category as shown in Table C above, the existing building is not required to comply with the requirements contained in (c)2 above except in areas where reconstruction work being performed in connection with the change of use triggers these requirements.

4. Vertical opening protection shall be provided for all stairs in accordance with N.J.A.C. 5:23-6.10 through 6.30 when a change of use that also constitutes a change of group is made and the proposed group is a higher hazard category as shown in Table C above.

i. Where the group of a portion of a building is changed to a higher hazard category, vertical opening protection shall be provided for all stairs serving the proposed group from the floor(s) on which the proposed group is located to the level of exit discharge.

5. Notwithstanding the relative hazard as determined by Table C above, where any change of use occurs to a single exit building, the building shall meet the requirements of Section 1005.2.2 (single exits) of the building subcode for the proposed use.

6. When a change of use is made to any residential group (R-1, R-2, R-3, R-4 or R-5) or to Group I-1, every sleeping room below the fourth story shall have at least one operable window or exterior door. Where windows are provided to comply with this requirement, the window shall have a sill height of not more than 44 inches, and have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

i. An outside window or exterior door is not required in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits.

ii. An outside window or exterior door is not required in buildings equipped throughout with an automatic sprinkler system.

iii. In a building that originally was in Group R-3 or R-5 and is returning to Group R-3 or R-5, the windows shall be permitted to remain as they were during the time when the building previously was in use as a residence. (Plan review—Building, Fire. Inspection—Building)

7. Notwithstanding the relative hazard as determined by Table B or C above, where any change in use occurs to a Group A or Group E with an occupant load greater than 100, approved panic hardware shall be installed in accordance with Section 1003.1.9 of the building subcode.

(d) Enclosure of vertical openings:

1. For any change of use that also constitutes a change in group, vertical openings other than stairs shall be protected as required by N.J.A.C. 5:23-6.10 through 6.30 for the proposed use within each space undergoing a change of use.

2. Stairs shall be enclosed in accordance with N.J.A.C. 5:23-6.10 through 6.30 for the proposed use when a change of use that also constitutes a change of group is made and the proposed group is a higher hazard category as shown in Table C above.

3. Atriums in compliance with Section 404 of the building subcode are not required to be enclosed. (Plan review—Building, Fire. Inspection—Building)

(e) Height and Area Limitations: The following height and area limitations apply in a change of use.

TABLE E  
Hazard Categories and Classifications  
Height and Area

Relative Hazard	Use Classification
1 (highest)	A-2 Nightclubs, H-1, H-2, I-2, I-3, I-4
2	A-1, A-2 Other than Nightclubs, A-3, A-4, E, F-1, H-3, H-4, H-5, I-1, M, S-1
3	A-3 Churches, B, R-1, R-2, R-4
4 (lowest)	F-2, R-3, R-5, S-2, U

1. When a change of use is made to a higher hazard category as shown in Table E above, the height and area of the building shall meet the limitations of Chapter 5 of the building subcode for the proposed group.

i. For the purpose of determining the construction type, the fire resistance rating of the following structural elements shall be considered: exterior loadbearing walls, interior loadbearing walls, columns, girders, trusses and framing, floor construction, including beams, and roof construction, including beams, trusses and framing, arches and roof decks.

2. When a change of use is made to an equal or lesser hazard category as shown in Table E, the existing building may continue to exceed the maximum allowable height and area permitted for new buildings.

3. Where a change of use is made in a mixed use building or a single use building is changed to a mixed use building, and any of the proposed uses is a higher category as per Table E, the building shall comply with one or any combination of the following:

i. Nonseparated groups: The maximum allowable height and area shall be determined by applying the more restrictive of the height and area limitations of each group, as per Table 503 of the building subcode, to the entire building.

(1) Occupancies of Group H shall not be permitted to be unseparated when located in the same building as Groups A, E, I, M, R, or non-accessory Group B.

(2) Accessory occupancies in compliance with Section 302.2 of the building subcode are not required to comply with this requirement.

(3) When a change of use is made such that any nonresidential use is located below a residential use, a one-hour fire separation shall be provided between the groups. The exits from the residential floors shall be separately enclosed.

ii. Separated groups: Each portion of the building containing a group shall be completely separated from adjacent groups by fire separation assemblies and floor/ceiling assemblies having a fire resistance determined in accordance with Table 302.3.3 of the building subcode. For buildings equipped throughout with an

automatic sprinkler system, the required fire resistance rating for groups other than H is permitted to be reduced by one hour, but shall not be reduced to less than one hour. Each portion of the building shall comply with the height limitation of Table 503 of the building subcode for that group. In each story, the area shall be such that the sum of the ratios of the floor area of each group divided by the allowable area of Table 503 of the building subcode for each group shall not exceed 1.0.

(1) Exception: Accessory occupancies in compliance with Section 302.2 of the building subcode are not required to comply with this requirement.

iii. Separate buildings: If each group is separated from other groups by fire walls that meet the requirements of Table 601 of the building subcode, then each group shall be considered a separate building. Each building shall comply with the height and area limitation of Table 503 of the building subcode.

(1) Exception: Accessory occupancies in compliance with Section 302.2 of the building subcode are not required to comply with this requirement.

4. In an unlimited area building, when a change of use is made to a higher hazard category as shown in Table E above, the building or portion thereof is required to comply with Section 507 of the building subcode for the proposed new use. (Plan review—Building, Fire Inspection—Building)

(f) Exterior Wall Fire Resistance Ratings and Maximum Area of Exterior Wall Openings: The following exterior wall fire resistance ratings and maximum area of exterior wall openings apply in changes of use:

**TABLE F**  
Hazard Categories and Classifications  
Exposure of Exterior Walls

Relative Hazard	Use Classification
1 (highest)	H
2	Buildings exceeding 12,000 sq ft of F-1, M or S-1
3	A, B, E, F-2, I, R-1, S-2 Buildings 12,000 sq ft or less of F-1, M or S-1
4 (lowest)	R-2, R-3, R-4, R-5, U

1. Exterior Wall Protection: If the group of a building is changed to a higher hazard classification in accordance with Table F, the requirements for exterior wall fire resistance rating in the table below shall be met.

Requirements for Exterior Wall Fire Resistance Rating Building Group<sup>b</sup>

Fire Separation Distance	H-2	F-1, H-3, M, S-1	A, B, E, F-2, S-2, H-4, H-5, I, R-1
0-5 feet	4	3	2 <sup>a</sup>
Over 5-10 feet	3	2	1
Over 10-15 feet	2	1	0
Over 15-30 feet	1	0	0
Over 30 feet	0	0	0

Note a: Existing eight-inch hollow or six-inch solid masonry walls shall be accepted as a two-hour rating in other than Group H-2 or H-3.

Note b: When the group of a building is changed to H-1, the building shall be located in accordance with Section 415.3 of the building subcode.

i. The requirements for exterior wall fire resistance rating shall not apply to exterior walls which face buildings on the same lot where the buildings are such that, if combined into one structure, the resulting building would comply with the height and area limitations of Table 503 of the building subcode.

ii. Where a portion of a building is changed to a higher hazard classification, exterior walls and openings of the entire building shall comply with the provisions of this section. If the proposed use is separated from the rest of the building by walls with the appropriate fire resistance rating in accordance with Table 302.3.3 of the building subcode, then only the portion changed must comply with the provisions of this section.

iii. When a change of use is made to an equal or lesser hazard classification as shown in Table F, no change in the rating of existing exterior walls is required.

iv. The fire resistance rating of non-loadbearing exterior walls may be reduced by one hour in buildings equipped throughout with an automatic sprinkler system. In a building equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13, the fire resistance rating of a non-loadbearing exterior wall may be reduced by one hour with the following exceptions:

(1) Exception: Where the fire separation distance is five feet or less, the fire resistance rating shall not be reduced to less than one hour.

(2) Exception: The rating of non-loadbearing exterior walls shall not be reduced in buildings of Group H.

2. Exterior Wall Openings: If the group of a building is changed to a higher hazard classification in accordance with Table F, the requirements for exterior wall openings in the table below shall be met.

Group	Exterior Wall Requirements
H	No opening permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of 20 feet or less.

**Group**

A-1, A-2 Nightclubs, A-2 Other than Nightclubs, A-3, A-4, A-3 Churches, B, E, F-1, I-1, I-2, I-3, I-4, M, S-1, R-1

F-2, S-2

**Exterior Wall Requirements**

No openings permitted with a fire separation distance of three feet or less. Walls with a fire separation distance of 10 feet or less are permitted to have unprotected openings with an aggregate area not exceeding 10 percent of the area of the wall. Openings in excess of 10 percent of the aggregate wall area shall be protected. No openings permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of five feet or less.

i. If the building is provided with an automatic sprinkler system throughout, the amount of unprotected openings shall be permitted to be increased to the limit for protected openings.

ii. In all occupancies other than Group H, unlimited unprotected openings are permitted in the first story of exterior walls facing a street which have a fire separation distance of greater than 15 feet, or facing unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall not be less than 30 feet in width and shall have access from a street by a posted fire lane not less than 30 feet in width and shall have access from a street by a posted fire lane not less than 18 feet in width.

iii. When a change of use is made to an equal or lesser hazard classification as shown in Table F, no change in existing exterior wall openings is required. (Plan review—Building, Fire. Inspection-Building)

(g) Automatic Sprinkler Systems: The following automatic sprinkler system requirements apply in changes of use.

Table G

Hazard Categories and Classifications  
Automatic Sprinkler Systems

Relative Hazard	Use Classification
1 (highest)	H, I
2	A-2 Nightclubs, R-1, R-2, R-4
3	A-1, A-2 Other than Nightclubs, A-3, A-4
4	F-1, M, S-1
5	A-3 Churches, E
6 (lowest)	A-5, B, F-2, R-3, R-5, S-2, U

1. When a change of use is made to a higher hazard category as shown in Table G, the building shall be provided with an automatic sprinkler system as required by the following sections of the building subcode: 903.2.1 for Group A occupancies, 903.2.2 for Group E occupancies, 903.2.3 for Group F-1 occupancies, 903.2.4 for Group H occupancies, 903.2.5 for Group I occupancies, 903.2.6 for Group M occupancies, 903.2.7 for Group R-1 occupancies, 903.2.8 for Group R-2, 903.2.9 for Group R-4, 903.2.10 for Group S-1, 903.2.11 for Group S-2, and 903.2.12.1 for windowless stories. When this section re-

quires an automatic sprinkler system, compliance with 903.3 of the building subcode is also required.

i. When a portion of the building is changed to a higher hazard category and the proposed use is separated from the existing use(s) by assemblies that meet the applicable fire rating in Table 302.3.3 of the building subcode, an automatic sprinkler system as required above shall be installed only in the portion changed.

2. When a change of use is made to an equal or lesser hazard category as shown in Table G, there is no requirement to install an automatic sprinkler system except in areas where work being performed in connection with the change of use triggers a requirement for an automatic sprinkler system and in windowless stories in accordance with N.J.A.C. 5:23-6.30(c) of this subchapter.

3. Notwithstanding the relative hazard as determined by Table G, when a change in the character of the use is made to a higher degree of hazard as defined by NFPA 13 (Light Hazard, Ordinary Hazard Group 1, Ordinary Hazard Group 2, Extra Hazard Group 1, Extra Hazard Group 2 and Special Occupancy Hazards), the sprinkler system shall be evaluated and, where required by NFPA 13, altered to conform to the required density and maximum sprinkler protection area per head for the proposed occupancy. (Fire)

4. Notwithstanding the relative hazard as determined by Table G above, when a change in the group or a change in the character of the use is made to create a dormitory, the building or portion thereof is required to be provided with an automatic sprinkler system.

(h) Fire Alarm and Detection Systems: When a change of use is made to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed in accordance with Section 907 of the building subcode. Where a portion of the building is changed to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed throughout the building in accordance with Section 907 of the building subcode unless the proposed use is separated from the other use(s) in the building by assemblies with the appropriate fire resistance rating in accordance with Table 302.3.3 of the building subcode in which case only the portion changed shall comply. (For purposes of applying this section, horizontal separation shall not be considered.)

1. Group A: A manual fire alarm system shall be installed and maintained as required by Section 907.2.1 of the building subcode.

2. Group B: A manual fire alarm system shall be installed and maintained as required by Section 907.2.2 of the building subcode.

3. Group E: A manual fire alarm system shall be installed and maintained as required by Section 907.2.3 of the building subcode.

4. Group F: A manual fire alarm system shall be installed and maintained as required by Section 907.2.4 of the building subcode.

5. Group H: A manual fire alarm system shall be installed and maintained as required by Section 907.2.5 of the building subcode.

6. Group I: A manual fire alarm system and an automatic fire detection system shall be installed and maintained as required by Section 907.2.6 of the building subcode.

7. Group M: A manual fire alarm system shall be installed and maintained as required by Section 907.2.7 of the building subcode.

8. Group R-1: A manual fire alarm system and an automatic fire detection system shall be installed and maintained as required by Section 907.2.8 of the building subcode.

9. Group R-2: A fire alarm system shall be installed and maintained as required by Section 907.2.9 of the building subcode. (Fire)

(i) Single and Multiple Station Smoke Detectors: When a change of use is made to any of the following groups, single and multiple station smoke detectors shall be installed in accordance with Section 907.2.10 of the building subcode.

1. Group R-1: Single or multiple station smoke detectors shall be installed and maintained as required by Section 907.2.10.1.1 of the building subcode.

2. Groups R-2, R-3, R-4, R-5 and I-1: Single or multiple station smoke detectors shall be installed and maintained as required by Sections 907.2.10.1.2 and 907.2.10.1.3 of the building subcode.

3. Where the use of a portion of a building is changed such that any nonresidential use is located below one or more dwelling units (including single room occupancies), single or multiple station smoke detectors shall be installed in the nonresidential portion(s) of the building in accordance with NFPA 72 and provided with an audible alarm located within each dwelling unit of the residential portion of the building. The detectors shall be AC powered with battery back-up. Hard-wired, interconnected smoke detectors installed throughout the building shall be accepted as meeting this requirement. (Fire)

(j) Carbon monoxide alarms: When the use of a building is changed to Groups I-1, R-1, R-2, R-3, R-4 or R-5 and the building contains a fuel-burning appliance or has an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

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

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

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

(k) Structural Requirements: The following structural requirements shall apply in changes of use:

TABLE K  
Structural Load Categories

Load Category	Use or Character of Use
1 (highest)	F-1, F-2, S-1, S-2, stack areas in libraries, stages and platforms, areas subject to vehicular loads, queuing areas
2	All loading conditions not listed in category 1 or 3
3 (lowest)	B, E, I-1, I-2, I-3, I-4, R-1, R-2, R-3, R-4, R-5

1. When the use or the character of use of a building is changed to a higher load category as shown in Table K above, then the structure shall be capable of supporting the load requirement for the new use or character of use as specified in Table 1607.1 of the building subcode.

i. If the building subcode official determines that the number of occupants or the placement and weight of furniture and equipment can be controlled by the occupants, the areas designed for the reduced live load shall be posted with the approved live load. Placards stating the allowable live loads shall be posted. Placards may state loads in forms usable by the occupants, in addition to posting the allowable load in pounds per square foot. Such information shall be developed by a licensed design professional and be approved by the subcode official.

(1) Analysis and test methods for evaluation of existing structural members shall use methods specified in the code in effect at the time the building was originally constructed or other standards as approved by the subcode official.

ii. The corridor and lobby loading requirements of Table 1607.1 shall be met only if the corridor exceeds six feet in width or if the lobby or corridor area is used for queuing purposes.

2. Where the use or character of use within an existing building is changed to an equal or lower load category as shown in Table K above, then the existing structure may be used without modification, provided that the building is structurally sound and in good structural repair.

3. When a building is reclassified into one of the following occupancies, the building shall comply with the seismic design requirements of Section 1613 through 1617 of the building subcode: Fire, rescue and police station; Use Group I-2 having surgery or emergency treatment facilities; emergency preparedness centers; post-earthquake recovery vehicle garages; post-earthquake shelters; power-generating stations and other utilities required as emergency backup facilities; primary communication facilities; highly toxic materials as defined by Section 307 of the building Subcode where the quantity of material exceeds the exempt amount as per Section 307.9 of the building Subcode. (Building)

(l) Plumbing Requirements: When the character of the use of a building or portion of a building is changed, the following plumbing provisions shall apply:

1. The fixture requirements for the proposed new use shall comply with the basic requirements for that use.

2. If the new use is a food handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas except where it is the only practical alternative. Where new lines are to be installed, they shall be protected in accordance with the plumbing subcode.

3. New uses that will produce grease or oil laden wastes shall be provided with interceptors as required in the plumbing subcode.

4. If the new use produces chemical wastes, the following shall apply:

i. If the existing piping is compatible with the chemical waste, no change to the existing piping material is required.

ii. If the existing piping is not compatible with the chemical waste, either the waste must be neutralized prior to entering the drainage system or the piping must be changed to a compatible material.

iii. No chemical waste shall discharge to a public sewer system without the approval of the sewage authority.

5. Where a building's use is changed to a health care facility, the requirements of chapter 14 of the plumbing subcode shall apply. (Plumbing)

(m) Electrical Requirements: The following electrical requirements shall apply in changes of use:

1. When the character of the use of a building or portion thereof is changed to one of the following special occupancies as described in Chapter 5 of the electrical subcode, the electrical wiring and equipment of the building or portion thereof that contains the proposed use shall comply with all applicable requirements of the electrical subcode regardless of whether a change of group is involved:

- i. Hazardous (classified) Locations;
- ii. Commercial Garages, Repair and Storage;
- iii. Aircraft Hangars;
- iv. Gasoline Dispensing and Service Stations;
- v. Bulk Storage Plants;
- vi. Spray Application, Dipping, and Coating Processes;
- vii. Health Care Facilities;
- viii. Places of Assembly;
- ix. Theaters, Audience Areas of Motion Picture and Television Studios and Similar Locations;
- x. Motion Picture and Television Studios and Similar Locations; and
- xi. Agricultural Buildings.

2. When the use of a building is changed to Group R-2, R-3, R-4 or R-5, the electrical wiring and equipment of the building shall comply, at a minimum, with the Basic Requirements of this subcode for that use and shall have the electrical service (conductors and equipment)

sized and rated in accordance with the electrical subcode. (Electrical)

(n) Mechanical Requirements: When the character of the use of a building is changed, the following mechanical provisions shall apply:

1. All spaces intended for human occupancy shall be provided with natural or mechanical ventilation. A building intended to be used as a public school shall be mechanically ventilated.

i. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

ii. Spaces intended to be mechanically ventilated shall comply with the following:

(1) If the occupancy of a building is changed and the new occupancy would require the same or a lesser amount of outdoor air based on the equations below, no change to the mechanical ventilation system is required.

(2) If the occupancy of a building is changed and the new occupancy would require a greater amount of outdoor air based on the equations below, the HVAC system shall be upgraded to satisfy the requirements of Table N below for the new occupancy. As an alternative to providing the amount of outdoor air required by Table N below, the indoor air quality procedure of ASHRAE 62-89 can be used.

(3) Residential buildings that are intended to be mechanically ventilated shall be provided with the ventilation specified in the mechanical subcode.

(4) When the use of a building is changed to a health care facility, mechanical ventilation shall be provided as required by the mechanical subcode and N.J.A.C. 5:23-3.2(b).

(5) When the group of a building is changed to B or E and the building is a class one or class two building, a test and balance report shall be submitted prior to the issuance of a certificate of occupancy. (Building)

2. A commercial hood and an automatic sprinkler system that comply with the mechanical subcode shall be required for commercial cooking equipment producing grease-laden vapors, except in Groups R-2, R-3, R-4 and R-5. No automatic sprinkler system shall be required for completely enclosed ovens, steam tables or similar equipment.

i. Exception: Bed and breakfast home stay facilities, which are designed to accommodate five or fewer guests, shall not be required to comply with this provision. (Fire)

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities as to be irritating or injurious to health shall be provided with local exhaust in accordance with Section 502 of the mechanical subcode. (Building)

TABLE N  
Outdoor Air Rates Based on Occupancy Type

Occupancy	P/1,000 sq. ft.	CFM/ person
Storage Warehouses	5	10
Correction Facilities		
Dining Halls	100	15
Guard Stations	40	15
Dry Cleaners, laundries		
Coin oper dry cleaner	20	15
Coin oper laundries	20	15
Education		
Auditoriums	150	15
Classrooms	50	15
Libraries	20	15
Music Rooms	50	15
Food & Bev Service		
Dining Rooms	70	15
Kitchens (cooking)	20	15
Hospitals, Nursing & Convalescent Homes		
Med Procedure Rooms	20	15
Physical Therapy	20	15
Recovery and ICU	20	15
Hotels, Motels, Resorts, Dormitories		
Assembly Rooms	120	15
Dormitory Sleep Areas	20	15
Lobbies	30	15
Specialty Shops		
Barber	25	15
Florists	8	15
Hardware, drug, fabric	8	15
Reducing Salons	20	15
Supermarkets	8	15
Theaters		
Auditoriums	150	15
Stages and Studios	70	15
Transportation		
Platforms	100	15
Vehicles	150	15
Waiting Rooms	100	15
Workrooms		
Bank Vaults	5	15

Occupancy	P/1,000 sq. ft.	CFM/ person	Occupancy	P/1,000 sq. ft.	CFM/ person
Meat Processing <sup>a</sup>	10	15	Convalescent Homes		
Pharmacy	20	15	Operating Rooms	20	30
Photo Studios	10	15			
Sports and Amusement Spectator Areas	150	15	Hotels, Motels, Resorts, Dormitories Gambling Casinos	120	30
Correctional Facilities Cells	20	20			
Education Laboratories	50	20	Occupancy Education Corridors	0.1	
Training Shops	30	20	Locker Rooms	0.5	
Food & Bev Service Cafeteria, fast food	100	20	Hospitals, Nursing and Convalescent Homes Autopsy Rooms	0.5	
Hotels, Motels, Resorts, Dormitories Conference Rooms	50	20	Public Spaces Corridors and Utilities	0.05	
Dry Cleaners Commercial Laundry	10	25	Elevators	1.0	
Hospitals, Nursing and Convalescent Homes Patient Rooms	10	25	Locker & Dressing Rooms	0.5	
Specialty Shops Beauty	25	25	Public Restrooms	75 cfm per water closet or urinal	
Dry Cleaners, Laundries Commercial Dry Cleaner	30	30	Retail Stores, Sales Floors and Showroom Floors Basement and Street	0.3	
Food & Bev Service Bars & Cocktail Lounges	100	30	Dressing Rooms	0.2	
Dry Cleaners, Laundries Storage, Pick-up	30	35	Malls and Arcades	0.2	
Smoking Lounges	70	60	Shipping and Receiving	0.15	
Offices Conference Rooms	50	20	Storage Rooms	0.15	
Office Spaces	7	20	Upper Floors	0.2	
Reception Areas	60	20	Warehouses	0.05	
Telecommunication Ctrs & Data Entry	60	20	Specialty Shops Automotive Service	1.5	
Theaters Lobbies	150	20	Clothes and Furniture	0.3	
Ticket Booths	60	20	Pet Shops	1.0	
Sports and Amusement Playing floors (gym)	30	20	Sports & Amusement Ice Arenas	0.5	
Sports and Amusement Ballrooms and Discos	100	25	Swimming Pools (Pool & Deck Area)	0.5	
Bowling Alleys (Seating areas)	70	25	Storage Repair Garages/Public Garages	1.5	
Game Rooms	70	25	Workrooms Darkrooms	0.5	
Hospitals, Nursing &			Duplicating	0.5	

Note: P/1,000 sq. ft. = persons per 1,000 square feet of building area.  
 Note a. Spaces unheated or maintained below 50 degrees F are not covered by these requirements unless the occupancy is continuous.  
 Where the ventilation rates in Table N are based on CFM/person  
 (1)  $OL_n \times V_n$  is less than or equal to  $OL_e \times V_e$  + no upgrade  
 (2)  $OL_n \times V_n$  is greater than  $OL_e \times V_e$  + upgrade  
 Where the ventilation rates in Table N are based on CFM/square footage  
 (3)  $SF_n \times V_n$  is less than or equal to  $SF_e \times V_e$  + no upgrade  
 (4)  $SF_n \times V_n$  is greater than  $SF_e \times V_e$  + upgrade  
 Where the ventilation rates in Table N are based on CFM/square footage and CFM/person  
 (5)  $OL_n \times V_n$  is less than or equal to  $SF_e \times V_e$  + no upgrade  
 (6)  $OL_n \times V_n$  is greater than  $SF_e \times V_e$  + upgrade  
 (7)  $SF_n \times V_n$  is less than or equal to  $OL_e \times V_e$  + no upgrade  
 (8)  $SF_n \times V_n$  is greater than  $OL_e \times V_e$  + upgrade  
 Where:

- OL<sub>n</sub> = the occupant load of the proposed occupancy based on Table N. When accepted by the administrative authority this occupant load can be reduced.
- OL<sub>e</sub> = the occupant load of the existing occupancy based on Table N.
- SF<sub>n</sub> = the square footage of the proposed occupancy.
- SF<sub>e</sub> = the square footage of the existing occupancy.
- V<sub>n</sub> = the ventilation rate for the proposed occupancy based on Table N.
- V<sub>e</sub> = the ventilation rate for the existing occupancy based on Table N.

(o) **Accessibility Requirements:** The following accessibility requirements shall apply in changes of use:

1. The change of use of a building of 10,000 square feet or more total gross enclosed floor area shall comply with all applicable provisions of the barrier free subcode, N.J.A.C. 5:23-7.

2. The change of use of a building of less than 10,000 square feet total gross enclosed floor area shall be exempt from the provisions of the barrier free subcode, except as follows:

i. An alteration project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.6.

ii. A reconstruction project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.7.

3. In a building of any size, where there is a change of use of an area of 10,000 square feet or more, the proposed new use shall comply with the requirements of the barrier free subcode, N.J.A.C. 5:23-7.

4. In a building of any size, where there is a change of use of an area of less than 10,000 square feet, the proposed new use shall be exempt from the provisions of the barrier free subcode, except as follows:

i. A renovation project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.5.

ii. An alteration project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.6.

iii. A reconstruction project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.7. (Building)

(p) Change of use to a bed and breakfast shall be done in compliance with N.J.A.C. 5:23-9.8. (Plan review Building,—Fire. Inspection—Building)

Administrative correction.

See: 30 N.J.R. 539(a).

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

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

Inserted (k); and recodified existing (k) through (p) as (l) through (q).

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

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

In (c), rewrote 4; rewrote (d); in (e)1, inserted a new i and recodified former i as ii; in (f)1, changed fire prevention code reference in Note b, and rewrote i; in (g)1, added the last sentence in the introductory paragraph; in (h) and (i), inserted references to section 924.2 throughout the introductory paragraphs; in (j), added the last sentence in the introductory paragraph; and in (o), added "(Building)" at the end of 1ii(5), and substituted "(Fire)" for "(Building)" at the end of 2i.

Administrative correction.

See: 32 N.J.R. 688(a).

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), rewrote 4; in (f)2, rewrote Use Group table; in (i), added 6; in (o), added 3 and in Table N amended the square foot values for Corridors and Utilities under Public Spaces.

Amended by R.2002 d.5, effective January 7, 2002.

See: 33 N.J.R. 3392(a), 34 N.J.R. 267(a).

In (b), rewrote 3; in (c), rewrote 1, inserted new iii and recodified existing iii through xii as iv through xiii in 2.

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

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

In (k), inserted the last sentence preceding "(Fire)" in the introductory paragraph, and rewrote 1.

Amended by R.2002 d.255, effective August 5, 2002.

See: 33 N.J.R. 4177(a), 34 N.J.R. 2783(a).

In (a), added 5 through 7; in (b), deleted 3 and 4.

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

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

Rewrote (k).

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

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

In (a)5x, added (1) through (3).

Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

Rewrote the section.

Amended by R.2004 d.145, effective April 5, 2004.

See: 35 N.J.R. 5190(a), 36 N.J.R. 1758(a).

Rewrote the section.

Administrative correction.

See: 36 N.J.R. 3398(a).

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

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

In (a), deleted former (1), recodified former (2) and (3) as (1) and (2), in 5.

Administrative correction.

See: 36 N.J.R. 5337(a).

Amended by R.2005 d.82, effective March 7, 2005.

See: 36 N.J.R. 4222(a), 37 N.J.R. 771(a).

In (e), rewrote 4; in (i), deleted the last sentence; in (k), deleted "change of use results in a" following "When a", substituted "is" for "being" following "building", inserted "post-earthquake shelters," following "vehicle garages".

### 5:23-6.32 Additions

(a) Any addition to a building or structure shall comply with the requirements of the Uniform Construction Code applicable to new construction.

1. Any repair, renovation, alteration or reconstruction work undertaken within an existing building in connection with an addition shall comply with the requirements of this subchapter.

(b) No addition shall create or extend any non-conformity in the existing building to which the addition is constructed with regard to accessibility, structural strength, egress capacity, exit access travel distance or the capacity of mechanical, plumbing, electrical or fire protection system provisions of the basic requirements of this subcode.

(c) No addition shall increase the height of an existing building beyond that permitted under the applicable provisions of the building subcode for a new building of the same group. (Plan review—Building, Fire. Inspection—Building)

(d) No addition shall increase the area of an existing building beyond that permitted under the applicable provisions of the building subcode unless a fire wall is provided in accordance with Section 705 of the building subcode.

i. In buildings other than Group R-3 or R-5, finishes in exitways shall have a flame-spread classification of Class III or better. Existing nonconforming materials shall be surfaced with an approved fire-retardant paint or finish unless the building is equipped throughout with an automatic sprinkler system installed in accordance with the building subcode. (Plan review—Building, Fire. Inspection—Building)

9. Stairways: Stairways shall comply with the following:

i. Enclosure: Stairway enclosures may be omitted in a historic building for that portion of the stair serving the first and second floor. This provision shall be applied to only one stair per building.

(1) In buildings of three stories or less, exit enclosure construction shall limit the spread of smoke by the use of tight fitting doors and solid elements. Such elements shall not require a fire-resistance rating.

ii. Riser height and tread width: When stairs are replaced or repaired, the existing or original riser height and tread width shall be permitted to remain. (Plan review—Building, Fire. Inspection—Building)

10. Railings: Railings shall comply with the following:

i. Handrails: Existing handrails may remain or may be replaced with handrails matching the original handrails.

ii. Guardrails: For vertical drops of between 30 inches and 48 inches, a rail height of at least 30 inches shall be accepted and the existing or original baluster spacing shall be permitted to remain.

(1) Exception: Replacement guardrails in buildings of Group E or R-1 shall comply with Section 1003.2.12 of the building subcode. (Plan review—Building, Fire. Inspection—Building)

11. Exit Signs: The fire protection subcode official may accept alternate exit sign design and/or location where strict compliance would damage the historic character of the building. Alternative signs shall identify the exits and exit path. (Plan review—Building, Fire. Inspection—Building)

12. Ceiling height: Existing ceiling heights shall be permitted to remain.

i. Exception: Buildings of Group R-1 or R-2 shall comply with the applicable requirements of the Hotel and Multiple Dwelling Regulations (N.J.A.C. 5:10) or shall obtain an exception under those rules. (Building)

(c) Relocated historic buildings: The following apply to relocated historic buildings:

1. Foundations of relocated historic buildings and structures shall comply with the building subcode. (Building)

2. Relocated historic buildings shall be so sited that exterior walls and openings comply with the requirements of the building subcode. (Plan review—Building, Fire. Inspection—Building)

(d) Special change of use provisions: Compliance with the following and with the provisions of (b) above shall be permitted for any change of use of a historic building provided that the restoration of the building is being performed consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties.

1. Building Area: The floor area for historic buildings undergoing a change of use to a higher hazard category as per Table E of N.J.A.C. 5:23-6.31 may exceed the allowable areas specified in the building subcode for the proposed group by 50 percent. (Plan review—Building, Fire. Inspection—Building)

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), inserted 2ii, deleted a former 3, and recodified former 4 as 3. Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

In (b)4, substituted "Section 1504" for "Section 1505.0" and substituted "Sections 1506 and 1507" for "Section 1507.0"; in (b)8i, inserted "or R-5" after "Use Group R-3"; in (b)10ii(1), substituted "Section 1003.2.12" for "Section 1021.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: 35 N.J.R. 5190(a), 36 N.J.R. 1758(a).

Deleted "Use" preceding "Group" throughout, and substituted references to automatic sprinkler for references to fire suppression in (b)8i. Administrative correction.

See: 36 N.J.R. 3398(b).

## SUBCHAPTER 7. BARRIER FREE SUBCODE

### Law Review and Journal Commentaries

Disability Law: Public Accommodations and the ADA. David J. Popiel, 170 N.J.Law. 16 (Mag.) (July 1995).

Disability Law: Housing Discrimination and the Disabled. David P. Lazarus, Susan DiMaria, 170 N.J.Law. 20 (Mag.) (July 1995).

### 5:23-7.1 Applicability

The provisions of this subchapter shall apply to all buildings, including their associated sites and facilities, and portions thereof, unless exempted by this subchapter. This subchapter shall be interpreted to require access for people with disabilities, including, but not limited to, occupants, employees, consumers, students, spectators, participants, or visitors.

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

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

Section was "Accessibility Standards".

**5:23-7.2 Accessibility standard**

(a) The International Code Council/American National Standards Institute standard (ICC/ANSI) A117.1-1998, entitled "Accessible and Usable Buildings and Facilities," is adopted by reference with modification as the technical design standard for accessible construction.

1. Copies of ICC/ANSI A117.1-1998 may be obtained from ANSI at 11 West 42nd Street, New York, New York 10036.

(b) Dimensions and constructions specifications for sites, buildings and structures required by this subchapter to be accessible shall comply with ICC/ANSI A117.1-1998, modified as follows:

1. In section 101.1, delete exceptions 2 and 3, which apply to Type B dwelling units;

2. In section 106.5, delete the definition of "Administrative Authority";

3. Delete Chapter 2, "Scoping";

4. In Sections 308.2.2, entitled "Forward Reach: Obstructed High Reach," and 308.3.2, entitled "Side Reach: Obstructed High Reach," add the following language at the end of each section: "Exception: The maximum height and depth of the obstruction shall not apply to kitchen counters in dwelling units."

5. In section 405.2, delete the exception and Table 405.2, which gives the slope of a ramp for an existing building;

6. Delete the Exception to section 505.6, entitled "Handrails, Gripping Surface."

7. Delete section 507, entitled "Bus Pads";

8. Section 702, entitled "Alarms," shall be deleted in its entirety.

9. Section 804.4, entitled "Work surface," shall be deleted in its entirety.

10. Sections 804.5, entitled "Sink," and 804.6, entitled "Kitchen storage," shall be amended to state that "Clear floor space complying with Section 305 shall be provided."

11. Section 804.7, entitled "Appliances," shall be amended to read as follows, "Where provided, kitchen appliances shall comply with Section 804.7.1, entitled "Clear Floor Spaces."

12. Sections 804.7.2, entitled "Operating Controls," 804.7.3, entitled "Dishwasher," 804.7.4, entitled "Range or Cooktop," 804.7.5, entitled "Oven," and 804.7.6, entitled "Refrigerator/Freezer," shall be deleted in their entirety.

13. In Section 1002.3, Exception 3, the exceptions are amended to read as follows:

i. Exception 1. Exterior spaces.

ii. Exception 2. Attics and basements.

14. At Section 1002.9, entitled "Operable Parts," Exception 2 shall be deleted in its entirety.

15. Section 1002.11 is amended as follows: Toilets and bathing facilities shall be required to comply with Sections 1002.11.1 through 1002.11.7.

16. Section 1002.13, entitled "Windows," shall be an adaptable feature;

17. Section 1002.11.4, entitled "Mirrors," shall be an adaptable feature;

18. Amend section 1002.12.3.2 as follows: "EXCEPTION: A counter that is adjustable or replaceable as a unit to provide a work surface at heights between 29 inches minimum and 36 inches maximum"; and

19. Delete Chapter 10, section 1003, entitled "Type B Dwelling Units," in its entirety.

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

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

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

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

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

Rewrote the section.

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

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

Rewrote (b).

**5:23-7.3 Exceptions**

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

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

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

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

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

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

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

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

1. Townhouses;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have at least one accessible entrance on the ground (or first) floor and accessible interior building features on all floors. Small buildings shall not be required to have elevator(s) to provide a vertical accessible route between floors.

i. Regardless of the total square footage of the building, buildings that are three or more stories with any floor of 3,000 square feet or more shall be required to have elevator(s) to provide a vertical accessible route between floors;

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

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

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

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

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

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

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

4. Except as provided in (a)1 above, floors or mezzanines of less than 3,000 square feet shall not be required to be served by an elevator, but shall otherwise meet the requirements of this subchapter.

i. Where facilities for employees, including rest rooms, lunch rooms, and lockers, and public facilities, including rest rooms and drinking fountains, are provided on the floor or mezzanine, and where there is no vertical accessible route, the facilities provided on the floor or mezzanine must also be provided on the accessible level.

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

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

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

ii. In buildings, facilities, or portions thereof that primarily serve children, variations shall not be required to adjust accessible dimensions to make building features suitable for children.

(1) However, in such buildings, accessible facilities that comply with the provisions of this subchapter for use by adults shall be provided.

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

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

Former N.J.A.C. 5:32-7.4, Recreation: exceptions, recodified to N.J.A.C. 5:23-7.17.

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

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

Rewrote the section.

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

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

1. For the purposes of applying this subsection, fire-wall separations shall not designate separate buildings within a single structure.

2. When being applied to a dwelling unit, the terms "accessible" and "adaptable" shall be interchangeable and shall mean that the dwelling unit has an accessible entrance; an accessible interior route into and throughout the dwelling unit, including maneuvering space at doors; and required clear floor spaces and reach ranges in all rooms. The dwelling unit shall have either the adaptable features specified in (d) below in the kitchen and bathroom or a fully accessible kitchen and bathroom as provided in the ICC ANSI A117.1-98 standard.

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

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

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

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

(c) In a building without elevator service, each ground floor dwelling unit shall be required to have an accessible entrance, an accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

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

2. In a building without elevator service and with a building entrance that serves more than one dwelling unit, all multi-story dwelling units with a ground floor entrance shall be accessible as provided in (b) above.

(d) In addition to the adaptable features in ICC/ANSI A117.1, the following building features in a dwelling unit may also be considered adaptable:

1. The threshold for a shower compartment (ICC/ANSI A117.1, Section 608.7) may be adaptable as long as the shower threshold can be made accessible with minimal expense and effort.

2. The mirror height (ICC/ANSI A117.1, Section 1002.11.4) may be adaptable as long as adjusting the mirror can be accomplished with minimal expense and effort.

3. Kitchen cabinets mounted above the kitchen counters (ICC/ANSI A117.1, Section 1002.14) may be mounted at a standard height as long as remounting the kitchen cabinets can be accomplished with minimal expense and effort.

4. Windows (ICC/ANSI A117.1, Section 1002.13) shall be an adaptable feature.

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

(f) Assisted living facilities that are designated as Use Group I-2 for purposes of building subcode and fire protection subcode compliance shall be considered as Use Group R-2 for the purposes of accessibility.

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

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

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

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

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

Amended by R.2002 d.256, effective August 5, 2002.

See: 33 N.J.R. 4184(a), 34 N.J.R. 2787(a).

Rewrote the section.

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

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

Rewrote the section.

Administrative correction.

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

Amended by R.2003 d.402, effective October 20, 2003.

See: 35 N.J.R. 2797(b), 35 N.J.R. 4861(b).

Rewrote the section.

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

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

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

### 5:23-7.6 Exterior accessible route

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

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

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

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

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

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

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

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

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

### 5:23-7.7 Accessible building entrances

(a) For buildings or structures required by this subchapter to be accessible, at least 50 percent of the entrances, but not fewer than one entrance, shall be accessible and shall comply with this subchapter.

1. Where a building or facility has separate entrances that serve such functions as accessible parking facilities, passenger loading zones, taxi stands, public streets and sidewalks, or accessible interior vertical access, at least one entrance serving each such function shall be accessible.

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

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

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

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

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

**5:23-7.8 Interior accessible routes**

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

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

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

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

2. To provide access to a performing area; or

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

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

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

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

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

**5:23-7.9 Accessible parking**

(a) Two percent of the parking spaces that serve occupancies in buildings of Group R-2, R-3, R-4, or R-5 that contain accessible dwelling units shall be accessible.

1. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

2. Where additional parking spaces or parking lot(s) are provided for visitors, the number of required accessible parking spaces shall comply with the table below.

(b) Ten percent of the parking spaces provided for medical outpatient facilities shall be accessible.

1. Exception: Twenty percent of the parking spaces provided for medical facilities that specialize in the treatment of or services for persons with mobility impairment shall be accessible.

(c) For all other use groups, accessible parking spaces shall comply with the table below:

Total Parking Spaces	Required Accessible Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8

Parking Spaces
401-500
501-1,000
1,001 +

Parking Spaces
9
2 percent of total
20 plus 1 for each
100 over 1,000

(d) For every eight accessible parking spaces, or fraction thereof, at least one shall be a van-accessible parking space.

(e) Accessible parking spaces shall be the closest parking spaces on the shortest accessible route to an accessible building entrance.

1. For buildings with multiple accessible entrances, accessible parking spaces shall be dispersed and shall be located near each of the accessible building entrances.

(f) Where accessible parking spaces are provided in parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest accessible route to an accessible entrance to the parking facility.

1. In multi-level parking structures, van-accessible parking spaces may be clustered on one level.

(g) Each accessible parking space shall be marked with an R7-8 sign from the Manual of Uniform Traffic Control Devices and shall display the international symbol of accessibility. Beneath the R7-8 sign, each accessible parking space shall also be marked with an R7-8P sign, as required by N.J.S.A. 39:4-198, containing the following language:

PENALTY  
\$100 FIRST OFFENSE  
SUBSEQUENT OFFENSES  
\$100 MINIMUM AND/OR  
UP TO 90 DAYS COMMUNITY SERVICE  
TOW AWAY ZONE

1. The bottom of the R7-8 sign shall be mounted approximately 60 inches above the parking lot or sidewalk surface when the sign is parallel to the sidewalk and approximately 72 inches above the parking lot or sidewalk surface when the sign is perpendicular to the sidewalk.

2. The R7-8 sign shall be centered and mounted at the head of each parking space.

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

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

Former N.J.A.C. 5:32-7.9, Recreation: fishing areas, recodified to N.J.A.C. 5:23-7.22.

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

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

Recodified former (c)1 as (d) and (d) through (f) as (e) through (g). Amended by R.2004 d.67, effective February 17, 2004.

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

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

**5:23-7.10 Requirements applicable to specific nonresidential Groups and Group R-1**

(a) Occupancies of Use Group A shall be accessible as follows:

1. Where services and facilities are provided in areas that are not required to be accessible, the same services and facilities shall be provided in an accessible area and shall be accessible.

2. In dining areas of occupancies of Use Groups A-2 and A-3, the total floor area allotted for seating and tables shall be accessible, except as follows:

i. Where fixed or built-in seats and tables are provided, at least five percent, but not fewer than one, of the seats and tables shall be accessible. Where more than one accessible seat and table is provided, they shall be dispersed.

ii. In buildings without elevators, an accessible route to a raised or lowered dining area of less than 3,000 square feet is not required provided that the raised or lowered dining area contains less than 25 percent of the total dining area and the same services are available on the accessible level.

3. Accessible spaces for wheelchairs shall be provided in each assembly area in accordance with the following table.

Capacity of Seating	Accessible Seating
4-25	1
26-50	2
51-300	4
301-500	6
over 500	6 plus 1 for each 100 over 500

4. In buildings or portions of buildings of Use Group A-1, Use Group A-3, or Use Group A-5, where fixed seats are provided on more than one viewing level, accessible spaces for wheelchairs shall be provided on more than one viewing level.

i. The accessible seating shall be integrated with inaccessible seats.

ii. Where five or more accessible seats are required, the accessible seating shall be integrated and dispersed throughout all classes of seats.

5. In buildings or portions of buildings of Use Group A-1 or Use Group A-5, including stadiums, sports arenas, or other facilities where fixed seating is provided and spectators are likely to stand in place, a line of sight shall be provided over standing spectators.

6. Pursuant to N.J.A.C. 5:23-7.8(b)1, when necessary to provide a line of sight, a platform lift may be part of an accessible route.

7. Four percent of the seats, but not fewer than two seats, in stadiums, in theaters, auditoriums, or lecture halls that have fixed seating and audio-amplification systems or that have an occupant load of 50 or more persons shall have permanently installed assistive listening system.

8. Assembly areas that are not equipped with audio-amplification devices or that have an occupant load of fewer than 50 persons shall have either a permanently installed assistive listening system or an adequate number of electrical outlets or other supplementary wiring to support a portable assistive listening system, which shall be available to patrons.

i. Where this alternative is selected, signage shall be provided to notify patrons of the availability of a listening system.

(b) Occupancies of Use Group I shall be accessible as follows:

1. All public or common use facilities, including employee areas, shall be accessible.

2. Accessible bedrooms shall be distributed among all types of patient care areas and all types and classes of bedrooms.

3. In buildings or portions thereof of Use Group I-1, including residential health care facilities that are licensed by the Department of Health and Senior Services, four percent or fraction thereof (rounded to the next higher whole number) of the resident bedrooms, including toilet or bathing facilities that serve these bedrooms, shall be accessible.

4. In buildings or portions thereof of Use Group I-2, including hospitals licensed by the Department of Health and Senior Services, 10 percent or fraction thereof (rounded to the next higher whole number), of the patient bedrooms, including toilet and bathing facilities that serve a patient bedroom, shall be accessible.

i. In nursing homes or portions thereof of Use Group I-2 licensed by the Department of Health and Senior Services, 50 percent or fraction thereof (rounded to the next higher whole number) of patient bedrooms, including toilet and bathing facilities that serve a patient bedroom, shall be accessible.

5. In hospital or rehabilitation facilities or portions thereof of Use Group I-2 licensed by the Department of Health and Senior Services that specialize in treating conditions that affect mobility, 100 percent of the patient bedrooms, including toilet and bathing facilities that serve a patient bedroom shall be accessible.

6. Assisted living facilities that are licensed by the Department of Health and Senior Services are Use Group I-2 for the purposes of building subcode and fire protection design and construction, but shall be considered as Use Group R-2 for the purposes of determining accessibility requirements.

i. In dwelling units in an assisted living facility, the threshold for an accessible transfer shower may be adaptable as long as the shower threshold can be adapted with minimal expense and effort to be accessible.

ii. In dwelling units in an assisted living facility, a transfer-type shower of 36 inches by 48 inches that provides a seat may be provided in individual dwelling units. The threshold of this shower shall not exceed four inches.

7. In occupancies of Use Group I-2, there shall be at least one accessible passenger loading zone.

8. Buildings or portions thereof of Use Group I-3 shall have at least one accessible inmate confinement area or room per institution and at least one accessible inmate toilet and bathing facility per institution. All public or common areas and all employee areas shall be accessible.

(c) In occupancies of Group R-1 containing six or more guestrooms, accessible guestrooms shall be provided in accordance with Table C-1 below.

1. In occupancies of Use Group R-1 with more than 50 guestrooms, accessible roll-in showers shall be provided in the required accessible guestrooms in compliance with Table C-1 below:

Number of Rooms	Accessible Rooms	Roll-In Showers
1-25	1	
26-50	2	
51-75	3	1
76-100	4	1
101-150	5	2
151-200	6	2
201-300	7	3
301-400	8	4
401-500	9	4 plus 1 for each additional 100 over 400
501-1000	2 percent of total	
1,001 and up	20 plus 1 for each 100 over 1,000	

2. Owner-occupied residences with one to five lodgers are Group R-3 or R-5 and are exempt.

3. Visible and audible alarms and notification devices shall be provided in the accessible guestrooms required by Table C-1 above and shall be provided in additional rooms in compliance with Table C-2 below.

Number of Guestrooms	Rooms With Accessible Alarms
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total

Number of Guestrooms  
1,001 and up

Rooms With Accessible Alarms  
20 plus 1 for each 100 over 1,000

4. Accessible guestrooms shall be provided throughout all classes and types of rooms.

i. When determining dispersal of accessible guestrooms, factors shall include room size, room cost, amenities provided, and the number of beds provided.

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

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

Former N.J.A.C. 5:32-7.10, Recreation: court games, recodified to N.J.A.C. 5:23-7.23.

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

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

Rewrote the section.

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

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

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

**5:23-7.11 Requirements applicable to all nonresidential use groups, including spaces other than guestrooms in Use Group R-1**

(a) All toilet and bathing facilities shall be accessible.

1. At least one of each type of fixture or element in each accessible toilet room or bathing facility shall be accessible.

i. Exception: Where multiple individual toilet rooms are clustered and serve a common medical office area or suite(s), five percent of the individual toilet rooms shall be accessible.

2. A toilet room or bathing facility, which is nonpublic and intended for use by one specific occupant may be adaptable and may be designed and constructed as a toilet room in a Type A dwelling unit per Chapter 10, ICC/ANSI A117.1-98.

i. If this option is not used, the toilet room or bathing facility shall be accessible.

3. Where water closet compartments are provided in a toilet room or bathing facility, at least one wheelchair accessible compartment shall be provided.

4. Where six or more water closet compartments are provided in a toilet room or bathing facility, at least one ambulatory accessible compartment shall be provided in addition to the wheelchair accessible toilet compartment.

(b) All passenger elevators on an accessible route shall be accessible and shall comply with the dimensional requirements of an accessible elevator.

1. An elevator that provides an accessible route within an individual dwelling unit shall not be required to comply with the dimensional requirements of an accessible elevator.

2. Platform lifts shall not be part of an accessible route to bridge level differentials in new construction, except as provided by N.J.A.C. 5:23-7.8(b).

(c) At least 50 percent of the drinking fountains provided on each floor, but not fewer than one, shall be accessible.

1. When only one drinking fountain is provided on a floor, it shall be accessible to wheelchair users and to people who have trouble stooping or bending.

(d) Where storage facilities, such as, but not limited to, cabinets, shelves, closets, drawers, or lockers are provided in spaces required to be accessible, at least one of each type be accessible.

(e) Where fixed or built-in seats or tables are provided, at least five percent, but not fewer than one, shall be accessible.

1. Where more than one built-in seat or table is provided, the accessible seats and tables shall be dispersed throughout the area.

(f) Customer service facilities shall be accessible as follows:

1. Where dressing or fitting rooms are provided, at least five percent, but not fewer than one, in each distinct area or function on a site shall be accessible.

2. Where service counters or windows are provided, one of the following accessible options shall be provided:

- i. A portion of the counter which is a minimum of 36 inches in length and a maximum of 36 inches in height;
- ii. An auxiliary counter with a maximum height of 36 inches in close proximity to the main counter; or
- iii. Equivalent facilitation, such as a folding shelf attached to the main counter or space at the side of the counter.

3. Where check-out aisles are provided, accessible check-out aisles shall be installed in accordance with the table below:

<u>Number of Check-Out Aisles</u>	<u>Accessible Check-Out Aisles</u>
1-4	1
5-8	2
9-15	3
over 15	3 plus 1 for each additional 5 over 15

i. Where check-out aisles of different types, such as, but not limited to, express lanes, are provided, at least one of each type shall be accessible.

ii. Traffic control devices, security devices, or turnstiles located in accessible check-out lanes or aisles shall be accessible.

(g) Where public telephones are provided, one telephone per floor or one telephone in each bank of public telephones shall be accessible.

1. Each accessible telephone and 25 percent of other public telephones in each bank shall be equipped with volume control.

2. At each accessible telephone, clear floor space for either a forward or a parallel approach shall be provided.

(h) Where automatic teller machines (ATM) are provided, clear floor space shall be provided at each ATM as follows:

1. Where only a forward approach is provided, all operations and controls shall be accessible.

2. Where only a parallel approach is provided, reach ranges shall comply with the following:

- i. Where the reach depth to the controls is 10 inches or less, the maximum height for the controls shall be 54 inches.
- ii. For each increase in reach depth of one inch, the maximum height for the controls shall be reduced one-half inch.
- iii. The reach depth shall not exceed 24 inches with a corresponding maximum height of 46 inches.

3. Where both a parallel and a forward approach are provided, the reach ranges shall comply with both the parallel and forward approach reach ranges in the adopted technical standard or with the parallel reach ranges in (h)2 above.

(i) In buildings and portions of buildings required by this subchapter to be accessible, controls, operating mechanisms, and hardware, including electrical outlets and switches that control lighting, ventilation, or electrical outlets shall be accessible.