

Amended by R.1981 d.132, effective May 7, 1981.
 See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).
 Amended by R.1986 d.448, effective November 3, 1986.
 See: 18 N.J.R. 757(a), 18 N.J.R. 2194(a).
 Deleted (b)1 and 4; recodified (b)2 and 3 to (b)1 and 2.
 Amended by R.1987 d.374, effective September 21, 1987.
 See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
 (b)1: model subcode revisions.
 Amended by R.1988 d.144, effective April 4, 1988.
 See: 19 N.J.R. 1778(a), 20 N.J.R. 783(a).
 Changed (b)2 to (c) and (d).
 Amended by R.1993 d.662, effective December 20, 1993.
 See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).
 Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).
 See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).
 Amended by R.1997 d.269, effective July 7, 1997.
 See: 29 N.J.R. 968(a), 29 N.J.R. 2817(a).
 Inserted (d)5i; in (d)6vi, amended N.J.A.C. reference; in (d)8, inserted reference to construction type and inserted “, except as follows:”; deleted (d)8i; recodified former (d)8i(1) through (3) as (d)8i through iii; inserted new (d)9iv; recodified former (d)9iv through vi as (d)9v through vii; and recodified former (e) as (d)10.
 Amended by R.1997 d.417, effective October 6, 1997.
 See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).
 Substantially amended (b)1.
 Amended by R.1999 d.424, effective December 6, 1999.
 See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).
 In (a)1, substituted a reference to rehabilitation for a reference to alteration, and changed guideline reference.
 Administrative correction.
 See: 33 N.J.R. 3735(a).

5:23-3.3 Enforcement

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

1. Applications, certificates and permits: Such official(s) shall review applications for permits for the erection, repair (other than ordinary maintenance), renovation, alteration and reconstruction of buildings and structures; indicate approval or denial to the construction official; and inspect the premises for which such permits have been issued and enforce compliance with the provisions of the regulations.
2. Notices and orders: Such official(s) shall issue all necessary notices or orders to remove illegal or unsafe conditions; to require the necessary safeguards during construction; and to insure compliance with all requirements for the safety, health and general welfare of the public.
3. Inspections: Such official(s) shall make all the required inspections, and all reports of such inspections shall be in writing and certified by them or they may engage such expert opinion as he may deem necessary to

report upon unusual technical issues that may arise, subject to the approval of the construction official and appointing authority.

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

Amended by R.1998 d.28, effective January 5, 1998.
 See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).
 Amended by R.1999 d.424, effective December 6, 1999.
 See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

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

5:23-3.4 Responsibilities

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

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

BUILDING SUBCODE

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

MECHANICAL SUBCODE

Chapter 3 as follows:
301 ^F
302
308 ^F
310 ^F
311 ^F
Chapter 4
Chapter 5 as follows:
501
502 ^F through 511 ^F
512
513 ^F
Chapter 6 ^F
Chapter 8 ^F

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

418.1-418.3.1.6
418.3.3.3-421.11
3406.0

MECHANICAL SUBCODE

Chapter 3 as follows:
301
302
Chapter 4
Chapter 5 as follows:
501
502
504
510 through 512
Chapter 6
Chapter 8 as follows:
801.3
Chapter 9
(All except:
908.5, 908.6 and
908.7)
Chapter 13 as follows:
1301.2
1301.3
1301.4^P
1306

ENERGY SUBCODE

Chapter 1 as applicable Chapters 3-4

FUEL GAS SUBCODE

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

ENERGY SUBCODE

Chapter 1 as applicable Chapters 3-4

FUEL GAS SUBCODE

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

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

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

BUILDING SUBCODE

Chapter 3	Chapters 5-8
Chapter 4 as follows:	Chapter 10
401.0-402.9	Chapter 12
402.14-403.1	Chapters 14-20
403.3.3	Chapter 21
404.1	Chapters 22-26
404.3	Chapter 28
404.5	Chapter 30 as follows:
404.7-405.2	3007.1
405.4	3007.4-3007.6
406.0-408.3	3008.1-3008.3
408.3.2-409.4	3010.1-3010.2.1
410.0-412.5	3010.2.3
413.1-413.2	3010.4
413.5.3-414.4	3011.2
415.0-416.3	3011.2.1
416.6-416.10	Chapters 31-32
416.12-416.14.5	Chapter 33 as follows:
416.16-416.15.1	3301.0-3304.0
416.15.3	3306.0-3315.0
417.6.4-417.6.5	Chapter 34 as follows:

P = Joint with Plumbing Subcode Official

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

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

PLUMBING SUBCODE

ALL

MECHANICAL SUBCODE

Chapter 3 as follows:

- 305
- 307

Chapter 9 as follows:

- 908.5
- 908.6
- 908.7^F

Chapter 10

Chapter 11

Chapter 12

Chapter 13 as follows:

- 1301.2^{B, F}
- 1301.4^{B, F}
- 1302 through 1305
- 1307
- 1308

Chapter 14^B

ENERGY SUBCODE

Chapter 1 as applicable Chapter 5

B = Joint with Building Subcode Official

FUEL GAS SUBCODE

Chapter 3 as follows:

- 301.6
- 307

Chapter 4

Chapter 6 as follows:

- 623
- 625
- 626.2
- 626.3
- 626.8
- 626.9
- 627.4
- 630

B = Joint with Building Subcode Official

F = Joint with Fire Subcode Official

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

PLUMBING SUBCODE

ALL

MECHANICAL SUBCODE

Chapter 3 as follows:

- 305
- 307

Chapter 9 as follows:

- 908.5 through 908.7

Chapter 10

Chapter 11

Chapter 12

Chapter 13 as follows:

- 1301.4^B
- 1302 through 1305
- 1307
- 1308

Chapter 14

ENERGY SUBCODE

Chapter 1 as applicable Chapter 5

FUEL GAS SUBCODE

Chapter 3 as follows:

- 301.6
- 307

Chapter 4

Chapter 6 as follows:

- 623
- 625
- 626.2
- 626.3
- 626.8
- 626.9
- 627.4
- 630

B = Joint with Building Subcode Official

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

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

BUILDING SUBCODE

Chapter 4 as follows:	416.11 ^F
403.9 ^F	416.14.6 ^F
405.7-405.9 ^F	417.5.4 ^F
414.5 ^F	

ELECTRICAL SUBCODE

Article 90—Introduction	Chapter 6 as follows:
Chapter 1	600 to 610
Chapter 2	620 ^{EL}
Chapter 3 as follows:	625 to 690
300-1 to 300-20	695 ^F
300-1 ^F	Chapter 7 as follows:
300-22 to 384	700 to 727
Chapter 4 as follows:	760 ^F
400 to 450 part B	770 to 780
450 part C ^F	Chapter 8
455 to 480	Chapter 9
Chapter 5 ^F	

ENERGY SUBCODE

Chapter 1 as applicable Chapter 6

F = Joint with Fire Subcode Official

E = Joint with Electrical Subcode Official

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

416.15-417.5.3^B
 417.5.4^E
 417.5.5-419.3^B

Chapter 34 as follows:
 3406.0^B

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

ELECTRICAL SUBCODE

Article 90—Introduction
 Chapters 1-5
 Chapter 6 as follows:

600-610

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

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

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

620-23

620-24

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

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

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

620-85 (except for cartop receptacles)

620-91(b)

625-695

Chapters 7-9

ENERGY SUBCODE

Chapter 1 as applicable

Chapter 6

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

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

BUILDING SUBCODE

Chapter 3^B

Chapter 4 as follows:

401.0-403.7^B

403.9^E

403.10-405.6^B

405.7-405.9^E

406.0^B

408.0-414.4^B

414.5^E

416.0-416.10^B

416.11^E

416.12-416.14.5^B

416.14.6^E

Chapters 7-8^B

Chapter 9

Chapter 10^B

Chapter 21 as follows:

2113.0-2117.0^B

Chapter 26 as follows:

2603.0-2605.0^B

Chapter 30 as follows:

3006.0-3011.0^{B, EL}

Chapter 31 as follows:

3106.0^B

Chapter 33 as follows:

3305.0^B

MECHANICAL SUBCODE

Chapter 3 as follows:

301^B

303

304

306

308^B

310^B

311^B

Chapter 5 as follows:

502^B through 511^B

513^B

Chapter 6^B

Chapter 7

Chapter 8^B

(All except 801.3)

Chapter 9^B

(All except 908.5 and

908.6)

908.7^P

Chapter 13 as follows:

1301.2^{B, P}

1301.3^B

1301.4^{B, P}

1306^B

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

ELECTRICAL SUBCODE

Chapter 3 as follows:

300-21^E

Chapter 4 as follows:

450 Part C^E

Chapter 5^E

Chapter 6 as follows:

695^E

Chapter 7 as follows:

760^E

FUEL GAS SUBCODE

Chapter 3 as follows:

301.1.1

301.2 through 301.4

301.4.1

301.5

301.7

301.13^B

303 through 306

308^B

Chapter 5^B

Chapter 6^B

(All except 623, 625,

626.2, 626.3, 626.8,

626.9, 627.4 and 630)

B = Joint with Building Subcode Official

P = Joint with Plumbing Subcode Official

E = Joint with Electrical Subcode Official

EL = Joint with Elevator Subcode Official for N.J.A.C.

5:23-12 devices not installed in Use Group R-3, R-4, or in R-2

structures in which the elevator devices are wholly within

dwelling units and not accessible to the general public.

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

BUILDING SUBCODE

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

MECHANICAL SUBCODE

Chapter 3 as follows:

- 303
- 304
- 306
- 308
- 310
- 311

Chapter 5 as follows:

- 503
- 505 through 509
- 513

Chapter 7

Chapter 8

(All except 801.3)

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

FUEL GAS SUBCODE

Chapter 3 as follows:

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

Chapter 5

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

Chapter 6 as follows:

- 603 through 607
- 614.4
- 614.5
- 615
- 619.4

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

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

BUILDING SUBCODE

Chapter 4 as follows[†]:

403.8

Chapter 30 as follows[†]:

3001.0^B

3003.3

3006.0-3011.0^{B, F}

ELECTRICAL SUBCODE

Chapter 6 as follows[†]:

620^E

ELEVATOR SUBCODE

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

B = Joint with Building Subcode Official

E = Joint with Electrical Subcode Official

F = Joint with Fire Protection Subcode Official

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

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

BUILDING SUBCODE

Chapter 4 as follows[†]:

403.8 3007.7

3008.4

Chapter 30 as follows[†]:

3001.0 3009.0

3003.3 3010.3

3006.0 3010.5

3007.2 3011.1

ELECTRICAL SUBCODE

Article 620 as follows[†]:

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

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

Part D (except Section 620-38)

Part E

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

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

Part H

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

Part K except section 620-91(b)

ELEVATOR SUBCODE

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

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

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

(g) Responsibility for enforcement of the barrier free and radon hazard subcodes shall be as delineated in N.J.A.C. 5:23-7.6A and 10.3, respectively.

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

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

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

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

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

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

Substantially amended.

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

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

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

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

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

(a)1 through 4: model subcode revisions.

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

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

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

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

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

Text conformed to BOCA National Code/1990.

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

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

Other elevator devices covered; enforcement responsibilities clarified.

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

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

Elevators wholly within R-2 residences exempt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section was "Responsibility".

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

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

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

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

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

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

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

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

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

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

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

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

Administrative correction.

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

5:23-3.5 Posting structures

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

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

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

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

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

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

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

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

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

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

(f) Swimming pools, spas and hot tubs: A valid electrical certificate of compliance and a bonding and grounding certificate shall be posted by the owner in a conspicuous

place in or around the pool pump house or equipment control room.

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

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

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

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

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

Text conformed to BOCA National Code/1990.

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

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

Added (f).

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

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

Rewrote (d) and (e).

5:23-3.6 Standards; accepted practice

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

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

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

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

Old text repealed and new text substituted.

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

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

Case Notes

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

5:23-3.7 Municipal approvals of nonconforming materials

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

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

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

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

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

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

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

5:23-3.8 Departmental approval of nonconforming materials

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

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

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

Reference to 1989 Supplement added; (a)1i(7) amended.
Amended by R.1990 d.507, effective October 15, 1990.
See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).

Text conformed to BOCA National Code/1990.
Amended by R.1993 d.662, effective December 20, 1993.
See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).
Amended by R.1998 d.332, effective July 6, 1998.
See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).

Rewrote (a).
Amended by R.2000 d.166, effective April 17, 2000.
See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

In (a)1i(5), added a second sentence.
Amended by R.2000 d.492, effective December 18, 2000.
See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (a)1ii, changed "1996" to "1999".
Amended by R.2001 d.196, effective June 18, 2001.
See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).

In (a)1, inserted reference to the fuel gas subcode in the introductory paragraph, rewrote iii and inserted iv; in (b)1, inserted reference to the Fuel Gas Subcode.

Case Notes

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

5:23-3.18 Energy Subcode

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

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the Building Officials and Code Administrators International, Inc., known as the BOCA National Energy Conservation Code/1993, as the energy subcode for New Jersey.

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

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

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

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

1. The following amendments are made to Chapter 1 of the energy subcode, entitled "Scope and Application":

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Delete section E-503.0.

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

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

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

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

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

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

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

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

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

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

Amended by R.1987 d.387, effective October 5, 1987.

See: 19 N.J.R. 433(b), 19 N.J.R. 1793(a).

Substantially amended.

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

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

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

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

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

Substantially amended.

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

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

Text conformed to BOCA National Code/1990.

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

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

Section E-502.1 deleted.

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

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

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

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

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

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

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

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

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

Rewrote the section.

Case Notes

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

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

5:23-3.19 Manufactured home subcode

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

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

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

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

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

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

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

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

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

This section was recodified from 5:23-3.9.

5:23-3.20 Mechanical subcode

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

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

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

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