

ADDRESS: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Proposed Code Change:

Supporting Statement (reason for code change):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

New Rule, R.2004 d.261, effective July 6, 2004.  
See: 35 N.J.R. 1267(a), 36 N.J.R. 3275(a).

SUBCHAPTER 3A. STATE-JURISDICTION SUBCODES

5:23-3A.1 Scope

This subchapter shall govern the enforcement by the Department of Community Affairs of the State Uniform

Construction Code, in conjunction with other rules administered by the Department, in facilities and installations for which the Department is the sole enforcing agency, as set forth in N.J.A.C. 5:23-3.11(j).

5:23-3A.2 Subcodes established

(a) All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of carnival-amusement rides or ski lifts shall be designated collectively as the amusement ride subcode.

(b) All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of high pressure boilers, pressure vessels or refrigeration systems shall be designated collectively as the boiler, pressure vessel and refrigeration subcode.

*New Jersey State Library*

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 fireresistance 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  
H

Exterior Wall Requirements

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.

(9) Does not allow any guest to remain more than 60 successive days or more than 60 days of any period of 90 successive days.

2. Single-family dwellings of Group R-3, R-4, or R-5 that have been converted to bed and breakfast guest houses shall be deemed to have met the intent of the rules, as provided in N.J.A.C. 5:23-2.6(b)1, if the following requirements have been met:

i. AC-powered interconnected smoke detectors with battery back-ups shall be installed in accordance with the building subcode in the locations listed below. Fixed temperature or rate-of-rise and fixed temperature heat detectors may be substituted for smoke detectors in those locations where frequent nuisance alarms would be likely to occur. At least one portable visual alarm-type smoke detector for the deaf or hearing impaired shall be available. Notification of the availability of such devices shall be provided to each occupant. Installation shall be required at the following locations:

- (1) In all guestrooms;
- (2) On each story in common areas;
- (3) In storage rooms;
- (4) In basements; and
- (5) In utility and mechanical rooms.

ii. Except as otherwise provided (p)2ii(1) and (2) below, every story utilized for human occupancy shall be provided with a minimum of two exits.

(1) An existing fire escape shall be accepted as providing one of the required means of egress if it can safely be used under emergency exiting conditions. All occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking. Access to a fire escape shall be through a door, except that window access shall be permitted from guest rooms.

(2) In buildings having a single exit, no additional exit shall be required if all of the following conditions are met:

(A) At all locations in the story at the level of discharge, the exit access travel distance shall not exceed 75 feet;

(B) In buildings not more than two stories in height, from floors that are not more than 16 feet above grade, where there are not more than four guestrooms per floor and the exit access travel distance does not exceed 50 feet, the exit shall be enclosed with construction and opening protection providing a one hour fire-resistance rating; and

(C) No part of the building open to guests shall be on a floor that is more than 16 feet above exterior grade.

iii. Every sleeping room shall be provided with an operable window having a sill height of not more than 44 inches, having 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.

iv. Dead-end corridors shall not exceed 35 feet.

v. Emergency egress lighting shall be provided and shall be connected to an emergency electrical system conforming to NFPA 70 to assure continued illumination for a duration of not less than one hour, in case of primary power loss in all building rooms or spaces required to have more than one exit or exit access.

vi. In all buildings, rooms or spaces required to have more than one exit or exit access, all required means of egress shall be indicated with approved, internally illuminated or self-luminous exit signs that comply with the building subcode. Exit signs shall not be required if the second means of egress is a fire escape or on main exterior doors that are clearly identified as exits. Exit signs shall be connected to an emergency electrical system to assure continued illumination for not less than one hour in case of primary power loss.

vii. Means of egress doors shall comply with the following:

(1) All doors opening into a passageway at grade or exit stair shall be self closing or automatic closing by listed closing devices; and

(2) All guest room doors shall be at least 1 $\frac{3}{8}$  inch solid core wood or approved equal with approved door closers and shall be reasonably tight fitting. Replacement doors shall be 1 $\frac{3}{4}$  inch solid cord wood or approved equal unless existing frame will accommodate only a 1 $\frac{3}{8}$  inch door.

viii. Existing handrails and guardrails provided for stairways and open sided floor areas shall be permitted to remain in place, provided they are structurally sound. When handrails or guardrails do not exist in locations where the building code requires them, or where handrails or guardrails are in danger of collapse when used under emergency conditions, handrails and guardrails complying with the building subcode shall be provided.

ix. Transoms shall be either glazed with  $\frac{1}{4}$  inch wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction.

x. Interior finish shall comply with the following:

(1) Interior finish of exit enclosures shall have a flame spread of 0-25 and a smoke developed rating of 450 or less (Class I finish as determined by ASTM-E84);

(2) Interior finish of exit access enclosures shall have a flame spread of 26-75 and a smoke developed rating of 450 or less (Class II finish as determined by ASTM-E84);

(3) Interior finish of all other spaces shall have a flame spread rating of under 200 and a smoke developed rating of 450 or less (Class III finish as determined by ASTM-E84).

xi. Interior stairways and other vertical openings connecting more than six floors levels shall be enclosed with approved assemblies having a two-hour fire-resistance rating. Those connecting four to six floor levels shall be enclosed with approved assemblies having a one-hour fire-resistance rating. Interior stairways connecting three or fewer levels shall be enclosed as follows:

(1) A minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barrier may be omitted provided that:

(A) The building is provided throughout with an approved automatic fire suppression system complying with the building subcode; or

(B) All of the following conditions exist:

(I) Every sleeping room has an operable window with a sill height of not more than 44 inches, 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;

(II) Every sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit;

(III) Any exit-access corridor exceeding eight feet in length which serves two means of egress, at least one of which is an unprotected vertical opening, shall be separated from the vertical opening by a one-hour fire barrier; and

(IV) The building is protected throughout by an automatic fire alarm system complying with the building subcode and is supervised by an approved central station system in accordance with NFPA 71, or an approved proprietary system in accordance with NFPA 72D, or an approved remote station system in accordance with NFPA 72C or an approved local alarm service which will cause sounding of an alarm in accordance with NFPA 72A.

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 lli(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".

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (o), added 5.

Amended by R.2006 d.120, effective April 3, 2006.

See: 37 N.J.R. 3753(a), 38 N.J.R. 1567(a).

In (k)3, substituted section 1617 with section 1623 and made "Subcode" lowercase throughout; in introductory paragraph (p), deleted N.J.A.C. reference and added "this subchapter except as modified below"; added (p)1 and 2.

Administrative Correction.

See: 38 N.J.R. 3024(a).

Amended by R.2007 d.51, effective February 5, 2007.

See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).

In the "Use Classification" column of TABLE C, inserted "A2 nightclubs" and "(other than A-2 nightclubs)"; in (g), substituted "TABLE" for "Table"; in the "Use Classification" column of TABLE G, inserted "A-2 nightclubs," substituted "(other than nightclubs)" for "Nightclubs", and deleted "A-2 Other than Nightclubs," following "A-1,"; and in (h)1, inserted "or automatic".

**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 capac-

ity, 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 accommodate 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.