

4. The estimated cost of the work for which a permit is sought, including but not limited to building construction, on-site construction, and all integral equipment, built-in furnishings and finishes. Where any material or labor proposed for installation in the building or structure is furnished or provided at no cost, its normal or usual cost shall be included in the estimated cost;

5. A statement that all required State, county and local prior approvals have been given, including such certification as the construction official may require;

6. For Class I structures, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode;

7. If the work involves lead abatement, the applicant shall provide the following:

i. A copy of the scope of work which shall describe precisely the location and extent of the work;

ii. A sketch plan showing the locations where abatement work is to be performed and showing emergency egress routes for any occupants to be in the building during abatement;

iii. A record of all materials to be used for all phases of the job, including encapsulants, enclosures, containment materials and replacement components, as appropriate;

iv. A copy of the lead evaluation report, if any has been done, prepared by a business firm certified by the Department pursuant to N.J.A.C. 5:17 to do lead evaluation; and

v. The degree to which any lead hazard identified in any report prepared by a lead evaluation firm certified by the Department will be abated; and

8. If the work involves reconstruction, an identification of the work area, except where plans are filed with the application, in which case the work area shall be delineated on the plans.

(b) In addition, the following information shall be required on any application for a construction permit when such information is available, but later than the commencement of work.

1. The names and addresses of all contractors engaged or planned for engagement by the owner in the execution of the work.

i. A current validated State builder registration card shall be shown by the contractor and the registration number of the contractor shall be recorded on the permit, pursuant to the New Home Warranty and Builder's Registration Act (N.J.S.A. 46:3B-1 et seq.), if the project

is a one or two family dwelling, condominium or cooperative, unless it is to be built in whole or in part by an owner, in which case an affidavit shall be filed by the owner on a form prescribed by the Department of Community Affairs, in which he acknowledges that work done by him, or by a subcontractor working under his supervision, is not covered under the New Home Warranty and Builders' Registration Act and states that he will disclose this information to any person purchasing the property from him within 10 years of the date of issuance of a certificate of occupancy.

2. The name and license number of the contractor or subcontractor for plumbing and for electrical work where such work is proposed.

i. Plumbing and electrical work shall not be undertaken except by persons licensed to perform such work pursuant to law, except in the case of a single family homeowner on his own dwelling.

ii. The seal and signature of the licensed plumbing and electrical contractor shall be affixed to the corresponding subcode application form.

3. The name and address of the responsible person who will be in charge of the work and who is responsible to the owner for ensuring that all work is installed and completed in conformity with the regulations. The person may be the design architect or engineer, the contractor or a third party acceptable to the construction official.

4. If the work involves lead abatement, one of the following shall be supplied:

i. The name and Department certification number issued pursuant to N.J.A.C. 5:17 of any business firm undertaking the lead abatement; or

ii. If the work is to be done by employees of the owner of the property, the name and New Jersey Department of Health certification number issued pursuant to N.J.A.C. 8:62 of each such employee; or

iii. If the work is to be done on an owner-occupied single family dwelling, a certification by the owner stating that he or she owns and occupies the property as a principal place of residence, will be performing the abatement work, and has received the written information for homeowners prepared by the Department explaining the danger of improper lead abatement, procedures for conducting safe lead abatement, and the availability of certified lead abatement contractors or of any available training for homeowners.

5. If the work involves fire protection equipment, any contractor performing such work shall have the appropriate certification issued pursuant to N.J.S.A. 52:27D-25n et seq. The certification number of the contractor shall appear on the permit application.

i. Exception: Certification shall not be required for licensed electrical contractors or for licensed alarm contractors installing fire alarms.

ii. Exception: Certification shall not be required for homeowners performing work within their residences.

iii. Exception: Certification shall not be required for in-house employees performing routine maintenance work, inspections, or testing of fire protection equipment.

iv. Exception: Certification shall not be required for contractors who install water supply lines outside a building.

6. If the work involves a landscape irrigation system, any contractor performing such work shall be certified pursuant to the Landscape Irrigation Contractors Certification Act, N.J.S.A. 45:5AA-1 et seq. The seal and signature of the certified contractor shall be affixed to the permit application.

i. Exception: Certification shall not be required for public employees performing work on property of the public entity, for vendors of landscape irrigation components, materials or equipment delivering, rendering advice or assistance or performing normal warranty service for such equipment, for contractors installing or performing work on irrigation equipment to be used solely for agricultural purposes or for licensed plumbing contractors.

ii. Exception: Certification shall not be required for homeowners performing work on landscape irrigation systems on their own properties.

7. If the work involves a burglar alarm, fire alarm, or electronic security system, any contractor performing such work shall be licensed pursuant to N.J.S.A. 45:5A-18 et seq. The license number of the contractor shall appear on the permit application.

i. Exception: Licensure shall not be required for telephone utility or cable television companies regulated by the Board of Public Utilities or for licensed electrical contractors.

ii. Exception: Licensure shall not be required for homeowners performing work on burglar alarms, fire alarms, or electronic security systems in their own homes.

8. If work involves a home improvement performed by a contractor, such contractor shall be registered pursuant to N.J.S.A. 56:8-136 et seq. The registration number of the contractor shall appear on the permit application. No number shall be required to be provided by any person performing a home improvement who is not required to be registered, in accordance with (b)8ii, iii, v, vi or viii below. The appropriate license, registration or certification number and documentation shall be provided by any person

exempt from registration as a contractor pursuant to (b)8iv or vii below.

i. For purposes of this paragraph, "home improvement" shall mean and include any work subject to the code that involves the reconstruction, alteration, renovation, repair or demolition of the whole or any part of any building in Group R-2, R-3, R-4 or R-5, or in any building or structure appurtenant thereto, or the conversion of an existing building in another group into a building in Group R-2, R-3, R-4 or R-5;

ii. Exception: Registration shall not be required for any person performing a home improvement upon a building or structure in Group R-2, R-3, R-4 or R-5 owned by that person, or by a member of that person's immediate family;

iii. Exception: Registration shall not be required for any person performing a home improvement, without any charge for his or her services, upon a residential or non-commercial property owned by a bona fide charity or other non-profit organization;

iv. Exception: Registration shall not be required for any person regulated by the State as an architect, professional engineer, landscape architect, land surveyor, electrical contractor, master plumber, locksmith, burglar alarm business, fire alarm business, liquefied petroleum gas marketer, lead evaluation or abatement contractor or asbestos abatement contractor, or any other person in any other related profession requiring registration, certification or licensure by the State of New Jersey, who is acting within the scope of practice of that profession;

v. Exception: Registration shall not be required for any person employed by a community association or cooperative corporation or by a landlord who is making home improvements within the person's scope of employment at the residential or non-commercial property that is owned or leased by the community association or cooperative corporation or landlord;

vi. Exception: Registration shall not be required for any public utility, as defined under N.J.S.A. 48:2-13;

vii. Exception: Registration shall not be required for any person licensed as a home financing agency, a home repair contractor or a home repair salesman pursuant to N.J.S.A. 17:16C-77, provided that the person is acting within the scope of such license, and provided that such license number shall appear on the permit application;

viii. Exception: Registration shall not be required for any home improvement retailer with a net worth of more than \$50,000,000 or any employee of such home improvement retailer who is making or selling such home improvements within the person's scope of employment by the home improvement retailer. This exception shall

(6) The plan number and date of the released prototype plan; and

(7) When an automatic fire sprinkler system is installed, the fire sprinkler system demand, including either hose stream allowances or the required domestic demand, as applicable, at the available water supply shall be documented.

iii. Plans that contain deviations that were not released as part of the prototype shall not be considered a prototype and shall require the submission of a new permit application and application fees for that project to the appropriate plan review agency.

3. Examination of plans: All plans submitted and any amendments thereto accompanied by the required documentation and application, and upon payment of the fee established by the enforcing agency, shall be numbered, docketed and examined promptly after their submission for compliance with the provisions of the regulations.

4. Plan review:

i. Department review: When a review and release of plans by the Department is required pursuant to N.J.A.C. 5:23-3.11 or requested for a prototype plan intended for use Statewide, the owner or agent of the owner shall file an application for construction plan release for each project, along with three sets of plans (two sets for prototypes), specifications and such other supporting information as the Department may require on forms obtained from the Department. The plans, specifications and other supporting information shall conform to the requirements of (e) above.

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

(2) Endorsement of released plans: All plans and amendments thereto, when approved by the depart-

ment, shall be stamped or endorsed "released", followed by a notation of the date of plan release. One set of such released plans shall be retained by the department, two sets of such released plans shall be submitted to the local enforcing agency with the application for construction permit as herein provided.

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

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

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

(1) When the plans submitted with an application for a construction permit or amendment thereto are accompanied by plans which have been released by the Department, then further municipal plan review and fee therefor shall not be required. Release of the plans by the Department shall not prevent enforcing agency officials from thereafter requiring correction of any errors in said plans or from issuing a stop work order when in violation of the regulations. In such case the enforcing agency shall notify the Department;

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

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

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

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

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

Amended by R.1985 d.352, effective July 15, 1985.
See: 17 N.J.R. 1031(a), 17 N.J.R. 1758(a).

(b)1i: deleted text "The registration number of the contractor", and added "A current validated ... contractor and the".
Amended by R.1985 d.479, effective September 16, 1985.
See: 17 N.J.R. 1462(a), 17 N.J.R. 2248(b).

(b)2ii added. (d) text added "All issued permits ...".
Administrative Correction: Cleaned up typographical errors.
See: 22 N.J.R. 2503(b).

Amended by R.1992 d.244, effective June 15, 1992.
See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).

Text added at (a)6 on Class I structure.
Amended by R.1993 d.353, effective July 19, 1993.
See: 25 N.J.R. 1629(a), 25 N.J.R. 3147(a).

Amended by R.1995 d.381, effective July 17, 1995.
See: 27 N.J.R. 970(a), 27 N.J.R. 2715(a).

Amended by R.1995 d.544, effective October 16, 1995.
See: 27 N.J.R. 2827(a), 27 N.J.R. 3933(a).

Amended by R.1997 d.304, effective July 21, 1997.
See: 29 N.J.R. 2204(a), 29 N.J.R. 3248(a).

In (e)1, substituted "no fewer" for "no less"; and in (e)1i, inserted reference to accessible routes.

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

Amended (a)6, (a)7v and (e)3v; inserted (a)8 and (e)1vii.
Amended by R.2003 d.187, effective May 5, 2003.

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

Rewrote the section.
Amended by R.2003 d.216, effective May 19, 2003.
See: 35 N.J.R. 16(a), 35 N.J.R. 2203(a).

Rewrote the section.
Amended by R.2004 d.144, effective April 5, 2004.
See: 35 N.J.R. 4944(a), 36 N.J.R. 1753(a).

Rewrote (e).

Amended by R.2006 d.32, effective January 17, 2006.

See: 37 N.J.R. 2918(a), 38 N.J.R. 484(a).

Added (b)5 through 7; recodified former (b)5 as (b)8 and rewrote the reference to (b)1, 2, 3, 4 as "(b)1 through 7."

Amended by R.2006 d.127, effective April 3, 2006.

See: 37 N.J.R. 4599(a), 38 N.J.R. 1572(a).

Recodified former (b)8 as (b)10 and rewrote the reference "(b)1 through 7" as "(b)1 through 9"; added (b)8 and (b)9.

Case Notes

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

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

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

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

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

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

5:23-2.16 Construction permits—procedure

(a) Action on application: The construction official or the appropriate subcode official in the case of construction involving only one trade or subcode, shall examine or cause to be examined all applications for permits and amendments thereto, and approve or deny in whole or in part the application, within 20 business days. If the application is denied in whole or in part, the enforcing agency shall set forth the reasons therefor in writing. If an enforcing agency fails to grant, in whole or in part, or deny an application within 20 business days, such failure shall be deemed a denial of the application for purposes of an appeal to the Construction Board of Appeals, unless such period of time has been extended with the consent of the applicant. Whenever plans have been rejected and are thereafter revised and resubmitted, the revised plans shall be released if the deficiencies that were stated as grounds for rejection have been corrected and code compliance has been demonstrated. In that case, a written notice of release shall be given to the applicant not later than seven business days after the resubmission of the revised plans. When the grounds for rejection have not been corrected or when code compliance has not been demonstrated, a written notice of rejection stating the grounds for rejection shall be given to the applicant not later than seven business days after the resubmission of the revised plans.

Amended (b), added (b)2 and 3 and recodified former (b)2 and 3 as (b)4 and 5.

Recodified from N.J.A.C. 5:23-7.2 and amended by R.1999 d.105, effective April 5, 1999.

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

In (a), changed N.J.A.C. reference in the introductory paragraph. Former N.J.A.C. 5:32-7.15, Recreation: trails, recodified to N.J.A.C. 5:23-7.28.

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

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

In (b)3, deleted the N.J.A.C. reference.

5:23-7.16 Recreation: definitions

“Multi-functional play equipment” means play equipment designed to provide multiple play activities such as, but not limited to, swinging, jumping, sliding, and climbing.

“Park” or “recreation area” means an area set aside and designated for recreation, including either active participation, as in sports, or passive recreation, as in the observation of nature.

“Recreation equipment” means equipment and prescribed surrounding safety areas, including, but not limited to, fixed equipment, fixed manipulative play equipment (such as playground equipment), picnic tables, benches, fire places and grills, ski lifts, and aerial tramways.

“Recreation facility” means a facility, body of water, dock, court, field, location, or portion thereof, intended for active or passive recreation that is required by this subchapter to be accessible regardless of whether the facility is indoor or outdoor.

“Single function play equipment” means play equipment designed to provide a single play activity, such as, but not limited to, swinging, jumping, climbing, or sliding.

“Site access points” means entrances, waiting areas, drop-off zones, parking areas, and public transportation stops serving the recreational area or facility, except those used solely for maintenance purposes.

“Support facility” means a facility ancillary to a recreation facility including, but not limited to, toilet facilities, food services, information services, first aid stations, drinking fountains, telephones, spectator seating and shelters. Facilities primarily housing mechanical equipment or those exclusively used for storage are not included in this definition.

“Transfer platform” means a platform with a minimum dimension of 18 inches by 24 inches mounted 15 inches to 17 inches above grade as an integral part of the multi-functional play equipment to provide access.

“Transfer point” means a clear space 36 inches by 60 inches adjacent to a transfer platform.

“Undeveloped areas” means areas used for activities such as camping, hunting, fishing, the observation of nature or

open space conservation and which contain no recreation equipment or recreation facilities.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.3 by 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. 5:32-7.16, Recreation: camping sites, recodified to N.J.A.C. 5:23-7.29.

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

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

Rewrote “Recreational facility”.

5:23-7.17 Recreation: exceptions

These recreation requirements do not apply to undeveloped areas as defined in N.J.A.C. 5:23-7.16.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.4 and amended by R.1999 d.105, effective April 5, 1999.

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

Changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.17, Recreation: equipment, recodified to N.J.A.C. 5:23-7.30.

5:23-7.18 Recreation: route of travel

(a) There shall be an accessible route of travel connecting the following elements: at least one site access point and all support facilities, accessible recreation facilities, and accessible recreation equipment at each park or recreation area. For purposes of applying this requirement, parks may be divided into smaller areas and an accessible route provided from one site access point at each area to all support facilities, accessible recreation facilities, and accessible recreation equipment in that area.

(b) An accessible route of travel shall meet the following criteria:

1. An accessible route of travel that connects an accessible site access point and support facilities, accessible recreation facilities, and accessible recreation equipment shall meet all of the criteria for an accessible route in the technical standard adopted as part of this subchapter, except that the following are also acceptable surfacing materials: flat surfaced pavers on concrete, flat surfaced pavers on sand, and wood decking. Crushed stone laid over a compacted subgrade and bound with sufficient cement to provide a non-shifting, firm surface shall also be acceptable.

2. A challenge level I accessible route may connect additional site access points, if provided, and support facilities, recreation equipment, and recreation facilities. A

challenge level I accessible route shall meet the criteria for an accessible route in the technical standard adopted as part of this subchapter, except as follows:

- i. In addition to the materials listed in (b)1 above, the following materials are acceptable as surfacing: soil cement, graded wood chips, grass, and compacted earth.
- ii. An accessible route with a running slope of 1:16 or steeper shall be considered a ramp. Cross slopes shall not exceed 1:30.
- iii. Landings for ramps shall be provided at the top, bottom, at all changes in direction, and after each 48 feet of projection.
- iv. Materials specified in (b)1 above are acceptable ramp surfacing materials.
- v. When the running slope is between 1:20 and 1:16, a level rest area at least five feet by five feet shall be provided every 200 feet.

(c) The accessible route to multi-functional play equipment shall lead onto the equipment itself as specified at N.J.A.C. 5:23-7.30(c)1.

(d) When a resilient safety area is specified by the manufacturer of the play equipment, an accessible route through the resilient safety area shall be provided. It shall meet the following conditions:

1. Commercially manufactured or processed materials must be certified by the manufacturer as permitting independent wheelchair passage;
2. Natural materials must be of the type and depth to meet the specifications in the Consumer Products Safety Commission Handbook on Playground Safety (Consumer Products Safety Commission, Washington, D.C. 20207) or must be one of the following:
 - i. Wood chips of relatively uniform size from hard wood without bark, leaves, twigs, or brush, or
 - ii. Double shredded bark and mulch of relatively uniform size without leaves, twigs, or brush; and
3. The accessible route and the resilient safety area shall be of the same material.

(e) The accessible route to single function play equipment shall lead to the safety area surrounding the equipment.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.5 and amended by R.1999 d.105, effective April 5, 1999.

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

In (c), changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.18, Recreation: equestrian facilities, recodified to N.J.A.C. 5:23-7.31.

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

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

In (b), rewrote 1 and the introductory paragraph of 2; in (d), rewrote the introductory paragraph.

5:23-7.19 Recreation: pools

(a) At least one pool of each type provided in each distinct area on a site, intended for swimming, soaking, wading, or diving, exclusive of those intended for ornamental, decorative, or mechanical purposes, must adjoin an accessible route of travel.

1. The interior of swimming pools, defined as pools with a depth ranging between 24 inches and 13 feet, and the interior of soaking pools, shall be made accessible by one of the methods detailed in (a)3 through 5 below.

2. Wading pools, defined as pools with a maximum depth of less than 24 inches, and diving pools, defined as pools or tanks with a minimum depth of over 13 feet, are not required to provide interior access.

3. A vertical left meeting the following criteria, and as shown in Figure 7.19a, shall be provided:

- i. Designed by its manufacturer for independent operation by the user;
- ii. Equipped with a chair designed for independent transfer from a wheelchair. The chair shall have a rigid seat with a depth of at least 15 inches and shall have a rigid back support at least 15 inches high;

(1) As an alternative to (a)3ii above, a pool may be equipped with a moving platform. A wheelchair shall be provided to the user if this option is used.

iii. Adjoining a clear level floor area with a minimum dimension of five feet by five feet;

iv. Having controls that meet the criteria for controls and operating mechanisms in the technical standard adopted as part of this subchapter; and

v. Located to meet the criteria of Figure 7.19a.

4. Interior/exterior steps that meet the criteria of Figure 7.19b.

Figure 7.19a
Pool Entry

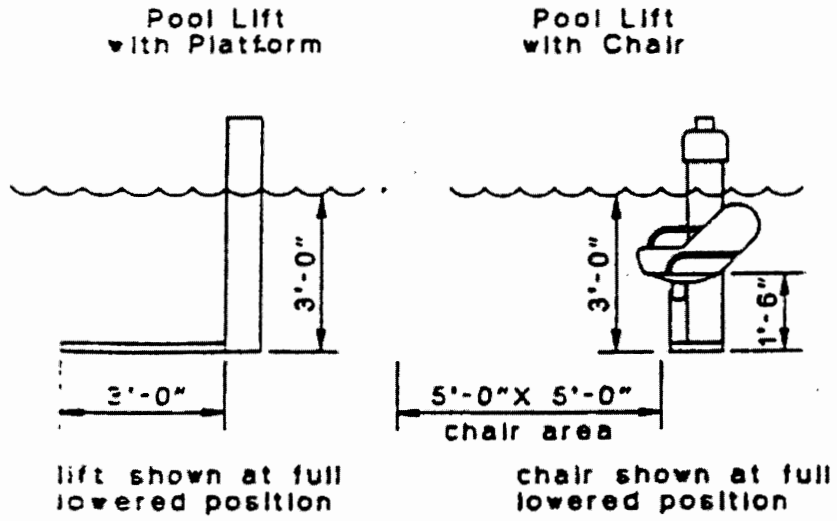
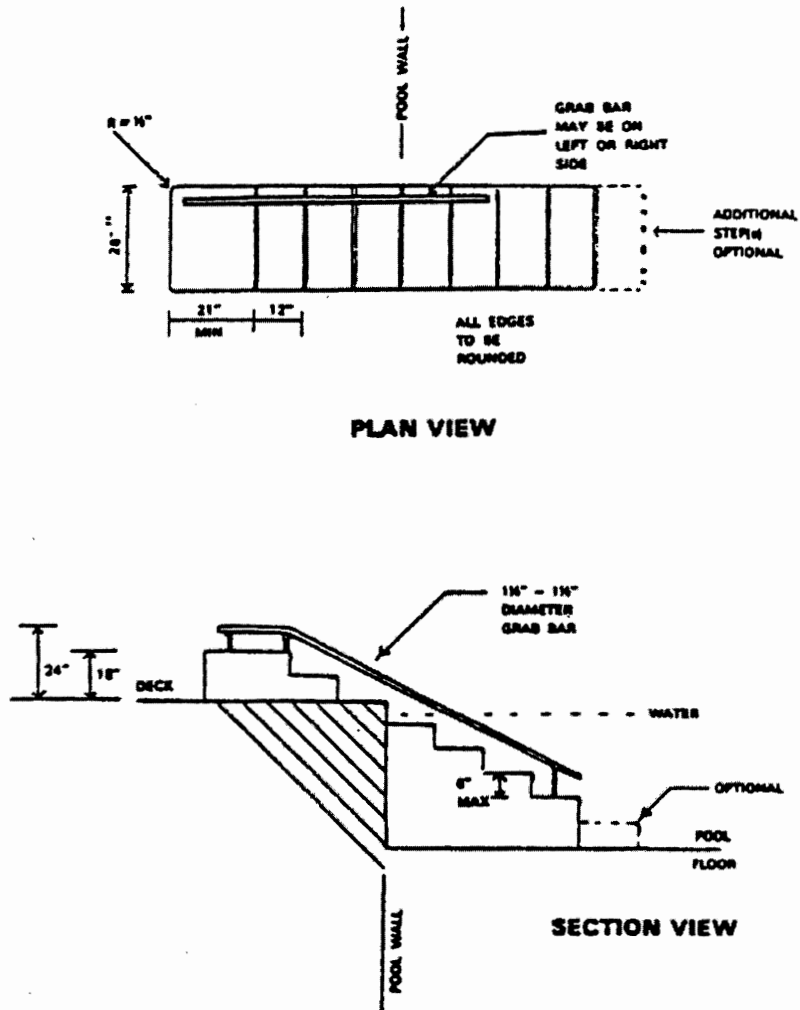


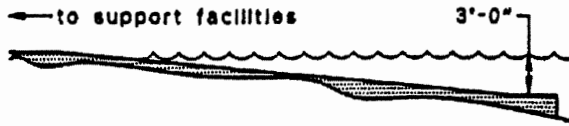
Figure 7.19b



i. The edge of the steps shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.

5. A ramp that meets the criteria of Figure 7.19c.

Figure 7.19c
Ramp Into Water



Maximum ramp slope 1:12.
Provide no handrails but provide curbs.
Maximum ramp run 30'-0", use
additional ramp runs with 5'-0" level,
platforms between, as necessary.
In pools, assure no access under ramp.

i. Where this option is used, a wheelchair shall be provided.

ii. The edge of the ramp shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1988 d.503, effective November 7, 1988.

See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).

Added (a)2i and (a)3ii: also amended Figure 7.104b.

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.6 by R.1999 d.105, effective April 5, 1999.

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

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

5:23-7.20 Recreation: swimming and skating areas

(a) At each designated swimming and/or skating area at natural or man-made bodies of water, there shall be an accessible route or an accessible trail meeting the criteria of N.J.A.C. 5:23-7.28 that connects at least one point at the water's edge to other elements at the site as required by N.J.A.C. 5:23-7.18(a).

1. At designated swimming and/or skating areas, the provision of access as described in (a) above at one location per site shall be deemed as satisfying the requirements of this section.

2. This provision shall not apply in those ocean front areas where wave action renders the provision of an accessible route or an accessible trail impractical from an engineering standpoint.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996.

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.7 and amended by R.1999 d.105, effective April 5, 1999.

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

In (a), changed N.J.A.C. references in the introductory paragraph.

5:23-7.21 Recreation: boating areas

(a) Each boating area with docking facilities shall have one accessible docking space.

(b) Each accessible mooring space shall adjoin an accessible route of travel and shall have a minimum clear space of five feet by five feet to allow transfer to the boat. Additionally, each accessible mooring space shall be a maximum of 36 inches above the mean water level in non-tidal areas.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Recodified from N.J.A.C. 5:23-7.8 by R.1999 d.105, effective April 5, 1999.

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

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), substituted "docking" for "mooring".

5:23-7.22 Recreation: fishing areas

If docks are provided in a fishing area, the criteria of N.J.A.C. 5:23-7.21 shall apply.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Recodified from N.J.A.C. 5:23-7.9 and amended by R.1999 d.105, effective April 5, 1999.

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

Changed N.J.A.C. reference.

5:23-7.23 Recreation: court games

(a) The surface of at least one court must adjoin an accessible route of travel.

(b) Entrances to the courts required to be accessible shall meet the criteria for accessible doors in the technical standard adopted as part of this subchapter.

(c) On sites with more than one type of court, at least one of each type of court in each distinct area on a site shall adjoin an accessible route of travel.

1. Where there is a main or center court, this court shall be included as one of those on an accessible route of travel.

(d) All permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.