

See: 35 N.J.R. 2421(a), 35 N.J.R. 5543(a).

In (a), rewrote 2vii, rewrote the first sentence in 2x, and substituted references to maintenance for references to repair throughout.

Amended by R.2004 d.60, effective February 2, 2004.

See: 35 N.J.R. 4000(a), 36 N.J.R. 649(b).

Added (a)4iv.

Repealed by R.2004 d.131, effective April 5, 2004.

See: 35 N.J.R. 5336(a), 36 N.J.R. 1755(a).

Recodified to N.J.A.C. 5:23-2.7(c). Section was "Interpretation: Ordinary maintenance".

New Rule, R.2007 d.47, effective February 5, 2007.

See: 38 N.J.R. 3710(a), 39 N.J.R. 376(a).

Administrative correction.

See: 39 N.J.R. 1249(b).

Amended by R.2008 d.213, effective August 4, 2008.

See: 39 N.J.R. 2411(a), 40 N.J.R. 4523(b).

In (a)3 and (d), updated the N.J.A.C. references; and in (d), deleted "UCC bulletin 93-6" following the N.J.A.C. reference.

#### 5:23-9.4 (Reserved)

New Rule, R.1990 d.490, effective October 1, 1990.

See: 22 N.J.R. 592(a), 22 N.J.R. 3148(a).

Repealed by R.1995 d.121, effective March 6, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4875(a), 27 N.J.R. 894(c).

Formerly "Seismic Zones".

#### 5:23-9.5 (Reserved)

Repealed by R.2006 d.24, effective January 17, 2006.

See: 37 N.J.R. 2111(a), 38 N.J.R. 485(a).

Section was "Interpretation: Records retention."

#### 5:23-9.6 Interpretations: Construction requirements for new and existing casinos

(a) Fixed central pedestal seating (stools) shall be allowed within major aisles and cross-aisles in casinos for gaming patrons who use standard size slot machines or other similar machines, within these aisles, provided the following requirements have been met:

1. Schematic drawings which indicate the dimensions and locations of the stools, and the distances from adjacent fixtures, walls or other objects shall be submitted to the Department for review and release;

2. Stool placement shall not result in any reduction of the required aisle accessway width when measured from the stool and any other adjacent obstacle, including, without limitation, other stools in back-to-back seating arrangements;

3. Stools that swivel and have a back rest shall be restricted so as to rotate only in one direction, operate in series, and be self-centering;

4. A minimum clearance of eight inches, measured from the face of the gaming machine base at knee height, shall be provided between the gaming machine and the stool and a minimum clearance of 10 inches, measured from seat edge to seat edge, shall be provided between adjacent stools, in order to ensure discharge clearances; and

5. The minimum clear width of aisles with slot stools shall be 48 inches.

(b) The following code requirements shall apply to gaming floors:

1. The use group of the gaming floor area shall be A-2.

2. Each gaming floor area shall be designed using an open landscape plan such that there is clear visibility throughout the floor and at least two of the exits are clearly discernible from all portions of the floor. Line of sight obstructions shall be limited and shall be subject to the approval of the Department.

3. An egress study shall be provided for each new egress route and for all modifications to an existing egress route, increases in occupant load or change of egress elements for gaming floor areas.

i. The occupant load shall be calculated at 11 square feet gross per person for all gaming floor areas, regardless of the gaming activity.

ii. The total capacity of the means of egress shall be calculated based on 116 2/3 percent of the calculated occupant load of any floor area containing gaming activities and any adjacent spaces using the gaming floor for exit access.

iii. Travel distances shall be delineated on the egress study and shall be measured from each and every occupiable point on the gaming floor to the closest exit. The travel distance shall be measured along the natural path of travel using a distance of one foot from obstructions, corners and walls and using the center of door openings.

iv. Each egress route shall identify the travel distance, number of occupants and size and type of egress elements.

4. Areas that are back-of-house to the gaming floor where security is necessary shall be permitted to apply the following special locking arrangements: Doors in means of egress serving rooms or spaces required by the Division of Gaming Enforcement to be controlled for security reasons shall be permitted to be locked if equipped with egress control devices which shall unlock manually and by any of the following means:

i. Actuation of an automatic fire suppression system on any casino floor or back-of-house zone;

ii. Actuation of a manual alarm station contained within the secured area;

iii. A signal from a fire command center; or

iv. Loss of power to the egress control device.

5. Gaming equipment, change banks, monitor cabinets and other obstructions located on the gaming floor shall not exceed 65 inches in height except as provided in this paragraph:

- i. Equipment and obstructions located at or within 21 feet of perimeter walls, measured perpendicular to the wall, may be of unrestricted height;
  - ii. Equipment and obstructions located at columns, but not extending more than 12 feet in any direction around the column, including the column itself, may be of unrestricted height;
  - iii. Equipment and obstructions located so that they do not obstruct visibility throughout the gaming floor, the visibility of at least two exits, or the operation of fire protection systems, may be of such height as is consistent with such visibility and operation; and
  - iv. Slot machines and similar gaming equipment may be 75 inches in height at any location on the casino floor provided the following conditions are met throughout the entire casino floor(s):
    - (1) Machines taller than 65 inches shall be of a circle top or similar design so that the 75-inch height is not continuous and at least 40 percent of the vertical projected area between 65 inches and 75 inches is open;
    - (2) An exit catchment area shall be provided immediately in front of the means of egress having the largest egress capacity and each other means of egress, ranked from the largest to smallest in terms of egress capacity, until such areas are provided in front of means of egress comprising 67 percent of the required egress capacity. Each catchment area shall be a rectangle with the full width of the means of egress component and twice the depth. Gaming equipment and other obstructions within the catchment area shall require Department approval;
    - (3) All exit signs that are provided on the casino floor shall have a minimum letter height of 10 inches and a minimum letter stroke of two inches with approved distinguishable colors; and
    - (4) Prior to the installation of the 75-inch high machines, the permit applicant and the Department shall perform a means of egress and exit visibility survey. If directed by the Department, the permit applicant shall install additional signage, or other means found necessary to ensure the discernability of two exits.
6. Signage installed on the gaming floor shall comply with the following:
- i. All signage shall be listed, labeled, approved and identified by an approved testing laboratory;
  - ii. Each sign shall be attached to a wall, post or ceiling. A post-mounted sign above slot machines shall be fastened to, and supported by, the slot machine base;
  - iii. A sign containing moving sections or ornaments shall be equipped with fail-safe provisions to prevent the sign from releasing and falling or from shifting its center of gravity more than 15 inches. The fail-safe device shall be in addition to the mechanism and mechanism housing that operate the movable section. The fail-safe device shall be capable of supporting the full dead weight of the sign when the moving mechanism releases; and
  - iv. A sign shall not obstruct visibility throughout the gaming floor, the visibility of exit signage or the operation of fire protection systems.
7. Monitor cabinets, change banks, fillers, slot machine bases, and similar items shall be constructed of non-combustible or fire retardant treated material.
8. All illuminated signs, amplification systems, turn tables, or sound-producing equipment located on or open and adjacent to the casino floor(s) shall be interlocked with the fire alarm system so that activation of the fire alarm system results in disconnection of electrical power to the device(s).
- i. This requirement does not apply to exit signs or emergency communications systems.
  - ii. This requirement shall not apply to slot machines or similar gaming equipment.
9. On casino gaming floors and adjacent spaces open to the casino gaming floor, all house lighting shall return to normal lighting levels or all emergency lights shall be activated upon activation of the fire alarm system. For the purpose of applying this requirement, normal lighting level shall mean an illumination level of not less than one foot-candle (11 lux) at the floor level.
- (c) All casino hotel standpipe connections throughout the building shall be identified by a constantly lit four-inch round blue light connected to an emergency electrical system located no less than 24 inches and not more than 48 inches above the hose connection. Standpipe connections located on columns shall be marked on all four sides of the column as described above.
- 1. This requirement shall not apply to standpipe hose connections in buildings or portions thereof of Group R-1 that are located in or within 10 feet of an approved exit stairway enclosure.
  - 2. This requirement shall not apply to standpipe hose connections located in open parking structures.
- (d) The following precautions shall be taken during construction in any portion of an occupied casino hotel:
- 1. Except for changes to gaming tables, slot bases or signage, temporary construction partitions shall be required when construction is undertaken in an area with public access or in an area where the automatic sprinkler system will be inoperable.

i. A fire partition with a fire resistance rating of one hour shall be required for projects with automatic sprinkler protection. Fire partitions shall be constructed of noncombustible materials as defined in the building subcode and shall be continuous from the top of the floor to the underside of the ceiling above and shall be securely attached thereto. Opening protectives shall be rated for ¾ hour.

ii. A fire separation assembly with a fire resistance rating of two hours shall be provided for projects where the automatic sprinkler system is inoperable. Fire separation assemblies shall be constructed of noncombustible materials, as defined in the building subcode, and shall be continuous from the top of the floor to the underside of floor/roof slab or deck above or to the top fire resistance rated floor ceiling assembly above and shall be securely attached thereto. Opening protectives shall be rated for 1½ hours.

2. Projects with the ceiling removed shall be provided with operable upright type automatic sprinklers.

New Rule, R.1991 d.61, effective February 19, 1991.  
 See: 22 N.J.R. 3610(a), 23 N.J.R. 406(a).  
 Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).  
 See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(a).  
 Amended by R.1998 d.471, effective September 21, 1998.  
 See: 30 N.J.R. 1678(a), 30 N.J.R. 3466(a).  
 In (a), added 5; and added (b) and (c).  
 Amended by R.2000 d.414, effective October 16, 2000.  
 See: 32 N.J.R. 2279(a), 32 N.J.R. 3870(b).  
 In (b)3i, substituted "11" for "7.5" and changed "per person gross" to "gross per person" following "square feet".  
 Amended by R.2003 d.71, effective February 18, 2003.  
 See: 34 N.J.R. 3414(a), 35 N.J.R. 1054(b).  
 In (a), substituted "have been" for "are" in the introductory paragraph and rewrote 1; in (b), rewrote 5 and inserted ", slot machine bases," in 7.  
 Amended by R.2007 d.338, effective November 5, 2007.  
 See: 39 N.J.R. 280(a), 39 N.J.R. 4569(a).  
 Deleted (b)5iv(3); recodified former (b)5iv(4) and (b)5iv(5) as (b)5iv(3) and (b)5iv(4); added (b)8, (b)9 and new (c); and recodified former (c) as (d).  
 Amended by R.2009 d.134, effective April 20, 2009.  
 See: 41 N.J.R. 25(a), 41 N.J.R. 1732(a).  
 Rewrote (b)4.

#### Case Notes

In light of undeveloped record and uncertainty as to whether there was actually present conflict between two regulatory schemes, casino that objected to Department of Community Affairs' adoption of design and construction safety regulations for casinos, on theory that regulatory authority of Casino Control Commission prevailed over Department of Community Affairs' authority, was entitled to seek declaratory relief under Administrative Procedure Act at a joint hearing under auspices of Office of Administrative Law. *Atlantic City Showboat, Inc. v. Department of Community Affairs of State*, 331 N.J.Super. 40, 751 A.2d 111 (N.J.Super.A.D. 2000).

#### 5:23-9.7 (Reserved)

New Rule, R.1993 d.132, effective April 5, 1993.  
 See: 24 N.J.R. 3458(a), 25 N.J.R. 1512(b).  
 Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).  
 See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(a).  
 Repealed by R.2013 d.081, effective June 3, 2013.

See: 44 N.J.R. 1303(a), 45 N.J.R. 1393(a).

Section was "Interpretation: Manufacturing, production and process equipment".

#### 5:23-9.8 (Reserved)

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

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

Section was "Interpretation: bed and breakfast guest houses—change in Group requirements".

#### 5:23-9.9 (Reserved)

Repealed by R.2009 d.126, effective April 20, 2009.

See: 41 N.J.R. 16(a), 41 N.J.R. 1725(a).

Section was "Foundation systems for garden type utility sheds and similar structures".

## SUBCHAPTER 10. RADON HAZARD SUBCODE

### 5:23-10.1 Title, scope; intent

(a) This part of the regulations, adopted pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217, as amended and as supplemented by P.L. 1989, c.186 (N.J.S.A. 52:27D-119 et seq.), and entitled Radon Hazard Subcode, shall be known, and may be cited throughout the regulations as, N.J.A.C. 5:23-10 and, when referred to in this subchapter, may be cited as "this subchapter".

1. This subchapter is intended to complement rules adopted by the New Jersey Department of Environmental Protection at N.J.A.C. 7:28-27 which provide for certification of persons who sell radon or radon progeny devices, test for radon or radon progeny, or mitigate radon in buildings.

i. Copies of N.J.S.A. 26:2D-70 et seq. and N.J.A.C. 7:28-27 may be obtained from the New Jersey Department of Environmental Protection, PO Box 411, Trenton, NJ 08625-0411.

(b) This subchapter pertains to the construction of all buildings in Use Groups E and R, as defined in the building subcode, within recognized radon prone areas defined as tier one by the New Jersey Department of Environmental Protection and shall control matters relating to construction techniques to minimize radon gas and radon progeny entry and facilitate any subsequent remediation that might prove necessary.

(c) This subchapter seeks to protect and ensure public safety, health and welfare insofar as it is affected by radon entry into schools and residential buildings.

1. It is the purpose of this subchapter to establish standards and procedures to ensure that construction techniques that minimize radon entry and that facilitate any post-construction radon removal that is required shall be incorporated in the construction of all buildings in Use

Groups E and R in tier one areas and are permitted to be incorporated elsewhere in New Jersey.

2. Radon is a colorless, odorless, tasteless, radioactive gas that occurs naturally in soil gas, underground water, and outdoor air. Prolonged exposure to elevated concen-

trations of radon and its progeny (that is, substances formed as a result of the radioactive decay of radon) has been associated with increases in the risk of lung cancer. An elevated concentration is defined as being at or above the guideline of 4 pCi/L or 0.02 WL average annual exposure.